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JOURNAL

OF THE

SENATE

OF THE

STATE OF MICHIGAN,—

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AT THE

ANNUAL SESSION OF THE LEGISLATURE FOR

1839.

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# JOURNAL, &c.

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MONDAY, JANUARY 7, 1839.

This being the day designated in the constitution of the state of Michigan for the regular annual meeting of the legislature, the senate convened in their chamber, in the capitol, in the city of Detroit.

Lieutenant Governor Mundy having taken the chair as president of the senate, it was, on motion of Mr. Bradford,

*Resolved*, That Samuel Yorke At Lee, of Kalamazoo, be appointed *secretary of the senate pro tem*.

On motion of Mr. Kingsley, Oliver Cooper, of Washtenaw, was appointed *sergeant-at-arms pro tem*.

On motion of Mr. Curtis, Clark Butler, of Monroe, was appointed door keeper.

On motion of Mr. Kercheval, the president was authorized to appoint two boys as messengers, at a per diem compensation not to exceed one dollar. Whereupon, Orlando Wilcox and Henry Clitz were appointed said messengers.

William L. Greenly, from the second district; S. V. R. Trowbridge and Thomas J. Drake, from the third district; Jacob Summers and Ebenezer B. Harrington, from the fourth district; Olney Hawkins and Townsend E. Gidley, from the fifth district; Sands McCamly and J. Wright Gordon, from the sixth district, having presented their certificates of election as new members of the senate, severally took and subscribed the constitutional oath of office before Epaphroditus Ransom, associate judge of the supreme court, and took their seats as members of the senate.

On motion of Mr. Bradford, it was

*Resolved*, That the returns of the seventh senatorial district, on file in the office of the secretary of state, be received as evidence of the election of Samuel Etheridge from said district, who, thereupon, having taken and subscribed the constitutional oath of office, took his seat.

The roll being called, the following senators answered to their names, to wit : Messrs. Bradford, Cook, Curtis, Drake, Etheridge, Gidley, Gordon, Greenly, Harrington, Hawkins, Kercheval, Kingsley, McCamly, Summers, Trowbridge, Wing, Woodbridge.

On motion of Mr. Bradford,

*Resolved*, That a committee of two be appointed to inform the house of representatives that the senate were now organized and ready to proceed to business ; whereupon, Messrs. Bradford and Trowbridge were appointed said committee.

On motion of Mr. Woodbridge,

*Resolved*, That the rules established by the senate for its government, and the order of business pursued at the last session of the legislature, be adopted and pursued until the further order of the senate.

Mr. Bradford submitted a resolution in the words following :

*Resolved*, That a committee of three be appointed to report rules and an order of business for the regulation of the proceedings of the senate.

Mr. Summers moved to lay the resolution on the table, which motion did not prevail ; the resolution was, therefore, adopted, and Messrs. Bradford, Woodbridge and Summers were appointed the committee in pursuance of the resolution.

Mr. Woodbridge laid the following resolution on the table :

*Resolved*, That by and with the consent of the house of representatives, the joint rules of the senate and house of representatives of the state of Michigan, established and pursued at the last session of the legislature, be adopted and pursued until the said senate and house of representatives shall otherwise direct.

On motion of Mr. Kercheval,

*Resolved*, That the secretary of the senate be instructed to furnish, at the expense of the state, the president, secretary, and each member of the senate, such newspapers as they may respectively direct, not exceeding the price of two daily papers.

Mr. Bradford, from the committee appointed to inform the house of representatives that the senate were now organized and ready to proceed to business, reported that the committee had performed the duties assigned to them.

A committee from the house of representatives, consisting of Messrs. Bingham and Fitzgerald, was announced, who informed the senate that the house of representatives was now organized and ready to proceed to business.

The senate, on motion of Mr. Woodbridge, took up the resolution relative to the adoption of the joint rules of the senate and house of representatives for the last year; and the resolution was thereupon adopted.

On motion of Mr. Kingsley,

*Resolved*, That a committee of two be appointed to act with a like committee on the part of the house of representatives, to inform the governor that the two houses were now organized, and ready to receive any communication which he may see fit to make.

Whereupon, Messrs. Kingsley and Gordon were appointed said committee.

On motion of Mr. Bradford,

*Resolved*, That a committee of seven, to consist of one from each senatorial district, be appointed to report the names of suitable persons as officers of the senate.

Whereupon, Messrs. Bradford, Woodbridge, Greenly, Kingsley, Harrington, Trowbridge, McCamly, were appointed said committee.

On motion of Mr. Summers,

*Resolved*, (the house of representatives concurring herein,) That a joint committee, to consist of two members from the senate and two from the house of representatives be appointed, to be denominated the committee of supplies; and that no charge made against the contingent expenses of the legislature, for any article had or procured, shall be allowed or paid, without the written order or sanction of said committee, or the order of either house of the legislature.

On motion of Mr. Kingsley,

The senate then adjourned to ten o'clock, A. M., to-morrow.

## TUESDAY, JANUARY 8.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Cook and Woodbridge, who, however, afterwards appeared and took their seats.

The journal of yesterday was read, when,

On motion of Mr. Wing,

The Senate took a recess for one hour : after which, the Senate again came to order.

A message was sent from the Senate to the House of Representatives, by the secretary pro tem. announcing that a committee of two members had been appointed to act with a like committee on the part of the House of Representatives to inform the Governor that the two houses were now organized, and ready to receive any communication which he might see fit to make.

Mr. Bradford, from the committee to nominate officers for the Senate, reported the following named persons for the respective offices, to wit :

Samuel Yorke At Lee, (sixth district,) Secretary of the Senate.

Franklin Cowdery, (seventh district,) recording clerk.

Charles B. H. Fessenden, (fourth district,) engrossing and enrolling clerk.

Oliver Cooper, (fifth district,) sergeant-at-arms.

Simeon Davidson, (second district,) door-keeper.

The committee further recommended the appointment of a reporter to the Senate, and recommended Joseph Coates, (third district,) for that office.

They also recommended that the President of the Senate be authorized to appoint the messenger or messengers of the Senate from the first district.

The report was, on motion of Mr. Kercheval, laid on the table.

A message was received from the House of Representatives, by the clerk of the House pro tem., that a committee had been appointed by them, to act with a like committee on the part of the Senate, to inform the Governor that the two houses were now organized, and were ready to receive any communication which he might see fit to make.

The President presented for the consideration of the Senate,

the report of the State Treasurer, which, with the accompanying documents, was, on motion of Mr. Kercheval, laid on the table and ordered to be printed.

The president announced the following standing committees, to wit :

*On the Judiciary*—Messrs. Wing, Gordon, and Harrington.

*Internal Improvement*—Messrs. Kingsley, Bradford and Drake.

*State Affairs*—Messrs. Woodbridge, Greenly and Etheridge

*Incorporations*—Messrs. Hawkins, Cook and Trowbridge.

*Literature*—Messrs. Greenly, Bradford and Kingsley.

*Expenditures*—Messrs. Kercheval, Gidley and Wing.

*Finance*—Messrs. Drake, Curtis and Wing.

*Militia*—Messrs. Cook, Kercheval and Summers.

*Claims*—Messrs. Gordon, McCamly and Cook.

*Expiring Laws*—Messrs. Bradford, Hawkins and Harrington.

*Enrolled Bills*—Messrs. Harrington, Hawkins and Cook.

*Roads and Bridges*—Messrs. Curtis, Etheridge and Summers.

*State Prison*—Messrs. Gidley, Cook and Kercheval.

*Towns and Counties*—Messrs. Cook, Drake and Etheridge.

*Manufactures*—Messrs. Etheridge, McCamly and Curtis.

*Agriculture*—Messrs. Trowbridge, Gidley and Summers.

*Elections*—Messrs. McCamly, Bradford and Gordon.

*Indian Affairs*—Messrs. Summers, Kercheval and Trowbridge.

*Printing*—Messrs. Harrington, Kercheval and Drake.

Mr. Woodbridge offered the following resolution, which he obtained leave to lay on the table :

Whereas, the establishment by the government of the United States, of a marine hospital at or near the city of Detroit, would, in the opinion of this legislature, be greatly promotive of the public good,

*Therefore, be it resolved by the Senate and House of Representatives of the State of Michigan, That the Senators and the Representative of this state, in the congress of the United States, be requested to use their utmost endeavors to cause a law of congress to be passed during the present session of that body, making pro-*

vision for the establishment of such marine hospital, at or near Detroit, as aforesaid.

*And be it further resolved*, That the Secretary of State of this state, be and he is hereby directed to transmit one copy of the foregoing preamble and resolution to each of the senators and representative of this state in the congress of the United States.

Which resolution, on motion of Mr. Woodbridge, received its first reading.

Mr. Kingsley, on behalf of the committee appointed to wait upon the Governor, in conjunction with a committee from the House of Representatives, reported that they had performed the duties assigned to them.

On motion of Mr. Woodbridge, the resolution in regard to a marine hospital received its second reading.

The annual message was received from the Governor by Mr. Jackson, his private secretary.

The message from the Governor was then, by order of the Senate, read by the secretary pro. tem. as follows :

#### MESSAGE.

*Fellow Citizens of the Senate*

*and House of Representatives :*

Addressing to you the last annual communication I shall be called upon to present to the people of Michigan, it is a source of unfeigned gratification to be able to congratulate you on the prosperous condition to which our rising commonwealth has attained. You are assembled at a period of peculiar interest. Our people have been favored with general health ; rich rewards have been gathered in the fields of agriculture ; and in every branch of trade, industry and labor have been crowned with unexampled success. With such an earnest from the past, and with just hopes and expectations for the future, we cannot fail to reach that high destiny, which has been assigned to us with our sister republics.

Neither are these indications of prosperity confined to the limits of our own state. We have but to look abroad upon the condition of our common country, to be satisfied with the lot Providence has assigned us. With a government the freest in the world, we are exempt from internal dissention ; our external re-

lations with foreign powers are as yet undisturbed ; our commerce is known to every clime ; the increase of our population is beyond former example ; and on every side our country presents the evidences of that continued favor which has elevated us from feeble and dependant colonies to an extended and powerful confederacy.

Based as our government is, upon the representative will of the people, the legislature is, emphatically, the depository of their rights and liberties. It will, therefore, fellow-citizens, become you to watch with a vigilant eye the different interests committed to your charge, to guard against all encroachments upon the rights of those you represent, to expose all abuses of power or trust, and to provide wholesome checks against subsequent dangers. Coming as you do, from the immediate body of the people, knowing their desires and wants, it is expected that your wisdom and patriotism will supply the deficiencies, and correct the errors of other branches of the government. No station, therefore, can be more important, than the one you now occupy. In the discharge of your duties, you are bound by the strongest obligations, to endeavor to perpetuate the principles upon which our government has been founded ; you are called upon, to cherish that ardent attachment for liberty and equal rights which can alone secure the happiness of the American people ; and it is expected that by your precept and example you will foster a veneration for the institutions of our country.

The officer at the head of the treasury will lay before you the condition of the finances of the state. From his representation, it will be seen, that the current receipts into the treasury for the past year, have fallen short of the expenditures of the government, under appropriations by law. The amount of receipts from the first day of January, to the twentieth day of December, 1838, was \$177,662 20 ; the expenditures during the same period, amounted to \$185,568 76—shewing an excess of expenditures of \$7,906 56. This deficiency in the revenue, is deeply to be regretted, and calls for the prompt and efficient interposition of the legislature. You will perceive, from the report of the Auditor General, that the amount of taxes due and unpaid by the different counties, will nearly equal the sum of fifty thousand dollars.



This inattention on the part of the officers of many counties to the solemn requisitions of law, must prostrate the energies of the state government, unless corrected ; and I submit to you whether some additional remedy should not be provided against this gross neglect of duty. The neglect in the assessment and returns of some of the counties must also be remedied by special legislation, at your present session. Sensible that the subject requires the immediate consideration of the legislature, and satisfied that the existing defects in our revenue system demand a prompt correction, I earnestly invoke your attention to the adoption of such measures as will relieve the people of Michigan from the otherwise inevitable consequence—an embarrassed and bankrupt treasury. It is but just, however, to add, that in addition to the deficiencies in collecting the revenue, the heavy charges incident to the operations of a new state, and which have been drawn from the general fund under the sanction of your predecessors, will in some degree offer a justification for the balance against the treasury.

It affords me the highest gratification to renew my congratulations on the successful progress of our works of internal improvement. Each division of the system has been prosecuted with an energy and activity, highly creditable to those to whom they are entrusted. The central road is under contract as far as Jackson, being a distance of seventy-eight miles from Detroit, and locations are now in progress as far as Kalamazoo, one hundred and forty miles from Detroit. By the agreement with the contractor, that portion of this road between Ypsilanti and Ann Arbor should have been ready for the iron rails as early as the month of October, but from some cause, is not as yet completed. On the southern road a commendable energy has been evinced. Thirty miles of this road, as far as Adrian, will be ready for laying the iron early in the ensuing spring ; it is under contract as far as Hillsdale, and the engineers are completing the final locations on the third division, as far as the village of Branch. The Saginaw and Clinton canal, are in active progress ; the same may be said of the northern railroad, which has been placed under contract for clearing and grubbing from Port Huron to Lyons. The contracts for the construction of the canal around the falls of the Sault de Ste. Marie, have been let, and the work itself will

be commenced at an early day. Additional experience but serves to confirm the importance of this last improvement, and it is hoped, it may command the consideration of the legislature. For a more particular and detailed statement, however, of the condition and progress of our internal improvements, I beg leave to refer you to the report of the commissioners, which will be laid before you without unnecessary delay.

The expenditures in this department, thus far, amount in all to \$888,301 03. On the central road, the expenditure has been \$672,739 69; the southern, \$216,825 70; the northern, \$20,998 69; on the Clinton canal, \$34,098 84; the Saginaw, \$17,208 99; the Sault de Ste. Marie canal, \$1,946 75: and on the different navigable streams, \$24,136 64. The central road is the only work which has been completed, so far as to yield an income. The returns of the collector exhibit a flattering statement of receipts, and they augur well for the ultimate success of this road, as a work of public importance. From the month of February, 1838, when the road was opened, up to the eighteenth day of December last, the entire receipt of tolls amounted to \$81,604 54. The number of passengers who have passed over this road, was twenty-eight thousand seven hundred and fifty-one; the amount of merchandize transported, nine million seven hundred and ninety-two thousand four hundred and fifteen pounds; and the number of barrels of flour fifteen thousand and fifty. This amount of receipts, after deducting the expenses of the road, is applicable to the purposes of the sinking fund, and is now in bank. When it is borne in mind that the receipts as above stated, have accrued on only twenty-eight miles of the road, it is fair to conclude, that in progress of time, when the entire work is completed, the resources of the state developed, and the enterprise of our increasing population actively employed, it will yield a return of income beyond our most sanguine expectations.

But this flattering exhibition must not lead us to forget the caution and economy with which our expenditures should be made. We have adopted a system of internal improvements, which will, for its success, demand the exercise of our most rigid economy. The works we have in contemplation, embrace in all, a distance of eleven hundred and nine miles, and are to be con-

structed at an estimated expenditure of seven million seven hundred and ninety four thousand four hundred and thirty dollars, exclusive of all cost for cars, locomotives, and other machinery. This estimate, it is feared, will fall short of the actual cost of these works, and with such apprehensions, it will behoove the legislature to guard with a scrupulous care the fund assigned to this branch of the government. Examine rigidly the expenditures of the commissioners. Let no complaints pass unheeded. Direct your committees to investigate fully the proceedings of the present and previous boards of commissioners, that it may be distinctly known to the people of Michigan, if there have been any profligate expenditures, or improper use of the public moneys.

Connected with the internal improvements of the state, there is a subject, to which I beg leave to call your impartial consideration. Under the act of March 21st, 1837, the Governor of the state was authorized to negotiate a loan of five millions of dollars. This duty has been fulfilled, and I now submit to the legislature the details of that negotiation.

Immediately on the enactment of the law authorizing this loan, its exclusive negotiation was placed in the hands of a competent agent in the city of New York, it being impracticable for the Executive of the state to devote personally to the undertaking that attention which its magnitude required. Although confidently assured at this time, that a negotiation would be closed at an early day, yet in consequence of the embarrassed state of the money market, and the difficulty attending the sale of American stocks abroad, the expectations of the agent were left unrealized. It is but just, however, to say, that this assurance of the agent was based upon advices from Europe, received through the banking-house to whom the foreign negotiation was entrusted. As an earnest that the loan would be concluded, the agent agreed to advance to the state, on his own account, one hundred and fifty thousand dollars. This amount was received, and contrary to my expectations or instructions, through bills drawn on London, on account of the Michigan state stock. The subsequent reception in London of the amended law, authorizing the loan, induced the contracting parties to break off a negotiation, which would have been successful, had not the amended, as well as the original

law, been defective. This failure in the foreign negotiation, compelled the reimbursement of the sum received through the medium of the European bankers.

To satisfy the legislature that this stock has been introduced into the European market under the most favorable auspices, it is but necessary to state, that it was entrusted to the hands and received the personal attention of a member of the house of Prime, Ward and King, of the city of New York. Mr. King thus reports the result of his attempted negotiation in London :—" The bonds were received in London in December, 1837. Preparatory negotiations had been entered into there, with a prospect of success, in the anticipation that the amendatory act of Michigan would have been clear and explicit as to making principal and interest, both in sterling money, payable in London. Said amendatory act, as also the original act, relating to these bonds, nowhere expressly and directly, nor in any way but by inference, authorized or permitted the payment of the principal abroad, although it was explicit as to the payment of interest. But it directly limited the rate at which payment of either or both should be made in London—at par or \$4 44-100 per £1 sterling, although it requires, that any premium or gain of exchange upon the negotiation should be accounted for to the state of Michigan. Thus, although the state might receive the proceeds of the negotiation of the bonds in sterling abroad, at a premium of ten per cent, yet it would only refund the money and pay the interest at par—in other words, to receive \$4 88-100 per £ sterling, but to pay back \$4 44-100 per £ sterling. It was then thought practicable to negotiate for bonds in dollars, principal and interest payable in New York, but the uncertainty as to rates of exchange, rendered any probable price in London insufficient to cover limits. An effort was then made to obtain authority to draw for a given amount upon leaving the bonds in London, if that should suit the state of Michigan ; but no such authority, except after sales made, could be obtained. The rate in London for a Michigan loan of six per cent, interest and principal payable in New York, would probably be \$95 40-100, without allowance for commission and charges." Thus much of the report of Mr. King is submitted to you, in justice to all the parties concerned, and that the embar-

arrassments attending the negotiation of this loan may be fully understood.

In the mean time, however, under the apprehension that the delays in the foreign negotiation might leave the board of Internal Improvement without the adequate funds necessary for the prosecution of the public works under their charge, five hundred thousand dollars of state bonds was sold to a gentleman of this city, at a premium of six per cent, payable in the current funds of our own banks. On this sale to Mr. Newberry, two hundred thousand dollars was paid, the remaining three hundred thousand dollars of bonds was returned to the state authorities, in consequence of the inability of the holder to meet his payments, or to negotiate his stock, either in American or European markets. Previous to this sale, a proposition was made to the Detroit city banks, but they declined entering into any negotiations.

For the further purpose of showing the embarrassments and difficulties attending moneyed operations during the period the Michigan loan has been in market, I beg leave to state that on the 7th day of May last, a written contract for the entire loan, at par, was entered into with a gentleman of the city of New York, whose financial relations justified the conclusion that he could command the ability to meet his engagement. Eighty thousand dollars on this contract was paid, but it was subsequently cancelled, from the inability of the contractor to meet his additional payments.

Under these embarrassments, and amidst the continued increase of state securities in both the American and European markets, I closed a contract in May last, with the Morris canal banking company, for five millions of state stock, including that issued to the Ypsilanti and Tecumseh, and All-gan and Marshall railroad companies. A copy of this contract, together with other papers relating to the subject, accompany this communication, and to which I beg leave to refer you.

The desire and expectation of all the parties to this contract was, that the state of Michigan should realize the par value of her bonds. By the terms of the contract, the sale was considered absolute, although the agreement itself is shaped as an agency. This feature in the contract was urged from the fact, that as Mi-

chigan stock, introduced into the market through other sources, had sold as low as ninety-three or ninety-five cents on the dollar, the Morris canal and banking company were apprehensive, that in the first disposition of this loan, they should be compelled to sell below the par value of the bonds. They were unwilling to encounter this risk, and as the law forbade a direct sale at a less rate than par, provision was made for a commission under an agency, the company guaranteeing to the state the different instalments, whether funds were realized on a sale of the bonds or not. Under this negotiation, one million three hundred thousand dollars has been paid into the state treasury. For the first year the notes of the Morris canal and banking company were to have been received in payment, and to be disbursed by the state, but from considerations connected with our currency at home, drafts at ninety days were subsequently substituted, as appears by the accompanying papers. The remaining payments are to be made in quarterly instalments of 250,000 dollars.

Associated with the Morris canal and banking company, in the purchase of the Michigan bonds, will be found persons of high standing with the financial public, both in the United States and Europe. With a desire to realize to the state the par value of her stock, an agent was despatched abroad, who, as late as October 26, 1838, had been unable to effect any negotiation. Under these embarrassing circumstances, the Morris canal and banking company, as you will perceive by the documents transmitted to you, have closed the entire negotiation by a sale of three millions of stock to the Bank of the United States. I regretted the necessity of this sale, as I had hoped to have saved to the state the payment of all commissions.

As a justification for closing this negotiation, the parties, in their communication, say:—"After consulting with those interested with us, in the contract and agency made with you on behalf of your state, we have come to the conclusion, that we see no prospect of benefitting you, by declining the offer now made to us, and have, therefore, closed with the party making the offer to purchase at par. We are free to confess, that the recent advices from Europe, of the great and unexpected accumulation of American securities offered at low rates, and the fact that some of the most

undoubted state stocks have been urged upon that market by banking houses, whose connections with this country had led us to expect a different course, have inspired no little apprehensions of unpleasant results, and have caused us for some time past, to feel that the commission stipulated for, forms but an inadequate compensation for continuing the risk of the foreign market. Banking houses in London give a very gloomy aspect to the feeling in regard to American securities, and the Great Western has actually brought back a large amount of six per cent bonds, payable in London, from utter inability to realize funds upon them, except at immense sacrifice. In addition to all this, sterling six per cent bonds have been recently sold in this city at 103, and more are offered at the same rate, which would reduce the rate of your bonds, being payable in this country, at about 92 cents."

I have thus, as concisely as a correct understanding of the subject would permit, stated to you the proceedings which have been had under the act authorizing a loan of five millions of dollars for purposes of internal improvements. The negotiation entered into, was the most favorable presented by the market; indeed it became a question, whether this contract should be accepted, or our works of internal improvement be arrested. After mature deliberation, it was believed that a suspension of our works of internal improvement at this time would have proven more prejudicial to the public interest than the sale of stock which has been made. No other motive has actuated the executive than a desire to discharge his duties with fidelity, and to advance the prosperity of the state; he can only regret that he is unable to report a more satisfactory result to his efforts.

The negotiation of this loan was committed to the executive, contrary to his sense and opinion of what was due to the public interests. At the last session of the legislature, he earnestly recommended, by a special message, the appointment of loan commissioners; he stated his inability to devote the proper time to the duty imposed upon him; and above all, urged that it was wrong in principle to entrust such heavy interests to the uncontrolled discretion of one individual, when no corresponding securities to the state existed. Whilst the commissioners of other states devote their undivided exertions to the negotiation of their



loans, and are present the greater portion of the year at the theatre of their operations, the time of the executive of this state has been too much divided between the ordinary duties of his office and his negotiations abroad, to secure a proper attention to the important trusts committed to him. If, then, it should occur to the legislature, that the success of this loan would have been promoted had it been placed in other hands, the loss may in part be attributed to a false economy which would jeopardize millions of the public funds, rather than create the comparatively unimportant charge upon the treasury of an additional salaried office. With such views and sentiments, I must again urge upon the legislature the absolute importance of transferring the management of this loan to other hands.

But, if the subject is inquired into with a spirit of candor, it will be found that the loss to the state will not ultimately prove so great as is at first imagined. By the contract with the Morris Canal and Banking Company, our bonds are made dollar bonds, and are payable, both principal and interest, in the city of New York. In the payment of the interest for twenty-five years to come, when the principal is to be redeemed, no commissions or charges are accruing against the state, neither have we for the same period foreign exchange against us. These considerations are of some moment, and are worthy of consideration. It may perhaps also be well to enquire into the sale of the stocks of other states, and more particularly those of our own issued to private companies, which were introduced into the market from other sources, and which, to say the least, have elevated the credit of the state to no great extent. But, as there are many circumstances connected with this negotiation which admit of explanation, and which have, perhaps, in the excitement of a political contest, received an unjust application, I would recommend the appointment of a committee, to investigate all such matters as present an unfavorable aspect to any portion of your body. For myself, I court the most rigid enquiry—nay, I demand it at the hands of this legislature.

The unparalleled agitation which has existed throughout the country for the past two years, makes it my imperative duty to call your attention to the subject of the currency. It certainly is

one of the highest duties of the legislature to guard the public against the evils of a spurious and vitiated currency. Ours has hitherto chiefly consisted of the paper issues of state banks. These institutions, if properly conducted, are not only highly useful, but may be considered as essential to the prosperity of the country. The object of legislation should therefore be, not to destroy, but to correct the abuses incident to the present system of banking.

In reviewing the history of the embarrassments that have so recently convulsed the American continent, the distant observer must be struck with no little wonder, when seeing a nation at the very height of its prosperity, and almost without any apparent cause, suddenly plunged into bankruptcy and ruin. To him, however, who watched the progress of events at home, the approaching catastrophe was inevitable.

But a short time previous to this revulsion throughout the country, our commercial affairs, and trade in general, were greatly extended, and chiefly conducted on credit. The means for sustaining this state of things were furnished by the immense amount of paper currency issued by the innumerable banks established by the different states. This increase of currency, if it can be called a currency, occasioned increase of prices, fluctuations and expansions in the circulating medium, and finally a total derangement of the laws of trade; and as the profits of the banks were in proportion to their discounts, the approaching demand for specie by a return of their issues was overlooked. The period arrived, however, when this demand for specie, to pay foreign debts, must be made, and the inability in the banks to meet it, produced the general suspension of specie payments, which has been so destructive to the country.

No state, perhaps, has suffered more from the evils of a deranged currency than our own. A most serious and responsible portion of your legislative labors, therefore, consist in supplying an effectual remedy against the disastrous scenes of the past year. Let your attention be diligently directed to this object, for experience has shown that neither a regard for the rights of the people, a sense of moral obligation, nor a respect for the injunction of the laws of the land, are always sufficient to restrain banks in the

abuse of a public trust. To the reports of your bank commissioners, I refer you, for a detailed statement of the condition and operations of the different institutions of the state, and I submit to your wisdom the correction of such abuses of your banking system as will be exhibited to you by those officers.

But the restoration of our currency to a sound state, ought to be effected with as little injury as possible to existing institutions. A just system of redress for abuses committed, and the reformation of palpable defects does not, by any means, necessarily imply a hostility to banks. The sickly cry of war against the banks, is losing its influence with an intelligent public. War against the banks! Is it to be seen in the banking history of the past two years—in obligations unredeemed, laws violated, and public sentiment outraged? War against the banks! Is it to be found in the archives of your national or state legislatures—in legalizing the suspension of specie payments; in the indulgence of the federal government to its depositories, and in the forbearance of the American people? Let there be an end, then, of this cry of war against the banks. The banks have their rights and should be protected in them; but they are not above all law, both human and divine. The right of exemption from all responsibility to the people, as set up by many of the existing banks of the present day, is fraught with the most dangerous consequences, and should be firmly and boldly resisted. As has been justly declared, if all the pretensions of these corporations are acknowledged, it is elevating the money power above all others—"above thrones and principalities, laws and constitutions. The debasing consequences which must follow, both morally and politically, are easily seen. Can it be done without debasing the noble and independent spirit which created our free institutions, and without which it is impossible to maintain them? Can it be done without spreading over the land one all-absorbing spirit of gain, which shall extinguish all the more elevated feelings of our nature, and raise him who may dispense the favors of banks, in public estimation, above the philosopher, the statesman, the divine, the patriot, the warrior, or those engaged in the active and productive pursuits of life?"

In my last annual communication to the legislature, I expressed the opinion, that a powerful and important auxiliary in the reforma-

tion of our currency, would be found in the creation of a state bank. The experience of the past year, and additional reflection, have but confirmed me in this opinion. This institution, if created, should be made in reality a state institution, responsible to the people, and under the government of their immediate agents. It may be a question worthy of serious consideration, whether the high power of stamping paper, as a substitute for the currency recognized by the federal constitution, should ever have been conferred upon private corporations. It grants an important immunity to a favored few, bestows upon them privileges liable to abuse, and takes from the people the power of regulating their own circulating medium. In a state institution, the control over the currency is in the hands of the people, and the expansions and contractions of paper issues, which always prove so ruinous in their consequences, may be remedied or avoided at the public will. In addition to these considerations, it is a matter of no small moment, that whilst the profits of private banks, are so much taken from the pockets of the people, for the benefit of a favored few, the dividends arising on the discounts of a state institution revert back to the people, as a source of revenue to the public treasury.

Should the recommendation of a state bank meet your concurrence, it will task your most mature deliberation in determining its features and provisions. It is, however, confidently believed, that the wisdom of the legislature will supply every want of Executive recommendation, and that no bill will receive your sanction that does not protect the interests and guard the rights of the people of Michigan.

In the organization of such an institution, it will be found that the mode of procuring the necessary capital, will not be an unimportant consideration. The bank should not attempt operations without the actual capital required by the charter being paid into its vaults. This capital might consist of the surplus revenue received from the federal government, the sinking fund arising from the receipts on our works of internal improvement, the university and common school fund, and the proceeds of an issue of state stock. For the detailed features of a charter, we must avail ourselves of the lights and experience of other states. In one con-

viction, however, I am clear : it is, that the control of the institution should never be suffered to pass from the hands of the state. Not less than six or eight states of the Union have created banks with this general character, and thus far, they have realized the most sanguine expectations of their respective people. The apprehensions of political influence directing the operations of a state institution, are shown to be unfounded. But, as declared to your predecessors, whilst I can but express the opinion, that a state bank founded on the credit and resources of the state, would be all-important to the prosperity of Michigan, and essential to the reformation of our currency, I shall readily yield to the better judgment of the legislature.

The Superintendent of Public Instruction, will present to you the condition of our common schools, and the state of the public fund committed to his charge. In addition to previous sales, the sales during the past year, of lands set apart for common schools, amounted to fifty-five thousand six hundred and fifty dollars, and those of the university lands, to ten thousand one hundred and four dollars. The interest on school lands heretofore sold, has been promptly paid by the purchasers, and it is confidently expected, that the different counties, which have received portions of this fund, will meet their obligations at maturity. But although the purchasers of these, as well as the university lands, have met the interest, as it accrued, yet the deranged state of our currency, and the general scarcity of money, render it peculiarly difficult for them, at present, to meet the instalment on the principal now due or coming due. It is perfectly obvious, that the interest would not be paid, did not the holders desire to retain the lands, and the only portion of this fund the state really requires is the interest. I would, therefore, respectfully suggest to your consideration, the propriety of vesting the Superintendent with authority to grant a reasonable extension of the payment of the instalment of ten per cent, where, in his opinion, it can be done without jeopardizing the interest of the state.

By considering the amount of duties, at present attached to the office, it must readily occur to you, that those of the Superintendent, are becoming too onerous for any one officer. The fund under his direction, is an important one, and should receive the undivided

attention of a separate and distinct officer. The ordinary and legitimate duties of the Superintendent, in his supervision of our common schools, and the university of Michigan, are likewise highly important and arduous. I would, therefore, earnestly recommend the appointment of an assistant who should relieve the Superintendent from the immediate direction of the financial department of his office.

The regents of the university of Michigan, will report to you the progress of the institution under their direction. As yet, their operations have been limited, resulting from the small income thus far received from the university lands. Five branches of the institution have been organized and are located at Detroit, Monroe, Pontiac, Kalamazoo, and Niles. At these branches there are already one hundred and sixty-three youths, under a course of instruction, preparatory to entering the parent institution. An increasing demand exists in the different counties for additional branches; but the limited means at present under the control of the regents, will not justify a compliance with this demand. I would, therefore, again recommend, that the seventy-two sections of land attached to the state salines, be set apart, as a distinct and permanent fund for the support of the branches of the university.

The lands belonging to the university proper, have been located by a competent officer, and generally confirmed by the proper department at Washington, except the locations on the Grand River. These locations at an early day, were communicated to the general land office, but as yet, the decision of the commissioner has not been received by the Executive. Under the authority, and by the directions of the legislature, John Mullet, Esq., was appointed to review these locations; but no report has ever been received from him. Under the act of the last legislature, a loan of one hundred thousand dollars has been effected for the purpose of constructing the university buildings: a plan for the buildings has been adopted, and their erection will be commenced early in the ensuing spring.

I have so often referred to the subject of education in my former communications to the legislature, and its importance to the permanent prosperity and happiness of the American people, is so manifest, that I shall at present refrain from its repetition. In a

government like ours, which emanates from the people, and where the entire administration of its affairs is submitted to their supervision and control, no other subject can equal in importance, that of public instruction. As the friends of civil liberty, it becomes our duty to provide for the education of the rising generation. To the intelligence of those who have preceded us, we are indebted for our admirable system of government, and it is only upon the intelligence of those who are to come after us, that we can hope for the preservation and perpetuation of that system. Our own state has been highly favored. The federal government has secured us an ample fund for all the purposes of a liberal system of education; and it only remains for us, to foster it with a scrupulous regard to the important object for which it is assigned. Our system of education, as adopted, has not as yet had sufficient time to develop its defects, if any exist. It would not, therefore, be advisable, perhaps, to attempt any material change at present. The success of the system thus far, is as great as could reasonably be expected, from the short period it has been in operation.

The geological survey authorized by the legislature, has progressed with all the expedition the nature of that important work would permit; and the high character and scientific ability of those to whom the survey is entrusted, insure its satisfactory completion to the public. For full information on the subject, I refer you to the report of the chief officer of this department, which will be submitted at an early day. From this source it will be perceived, that the anticipation of benefits to the state from this survey are about to be fully realized, and that the resources of wealth developed to Michigan are unbounded.

At the last session of the legislature, I called the attention of your predecessors to the importance of encouraging by legislative enactments the agricultural interests of the state. A bill with this object, passed the House of Representatives at that period, but failed to receive the action of the Senate. The agricultural interest is one of great importance, and claims with justice the protection of the government, and yet, it has received less aid from direct legislation, than any other department of industry. But I feel, that when it is recollected, how essentially the real prosperity of Michigan depends upon the cultivation of her soil and the labors



of her husbandmen, the subject will receive your earnest consideration and favorable action.

The commissioners appointed to superintend the erection of the state penitentiary, have proceeded in their work with unexampled rapidity. The plan of the buildings has been altered from the original design, so as to produce a saving to the state of two hundred and fifty thousand dollars. The buildings will be fire proof, and will contain eight hundred cells. The probable cost of the entire plan, as estimated, will be about four hundred thousand dollars, being nearly three hundred thousand dollars less than the Auburn prison, New York. The commissioners also report thirty-four cells in a state of readiness for prisoners.

The loan authorized by the legislature for building the prison, has been negotiated, and the contract filed with the treasurer of the state. This appropriation was so limited that the commissioners were compelled to borrow additional funds, so as to have the buildings ready for occupation during the present year. Much labor and expense would have been saved the state had the authority existed for transferring the convicts confined in the different counties to the state prison, where they might have been employed on the public works. I therefore call your attention to the enactment of a law conveying such authority. The acting commissioner, also, suggests the further appropriation of one hundred thousand dollars at your present session. This sum will cover the advances made the commissioners by the state deposit bank, will meet the estimate and contracts of the present year, and will complete one half the block of cells, together with the keeper's house. The whole subject is submitted to the legislature for their favorable consideration.

The judiciary department of the government, being one on which we must chiefly rely for a just and efficient administration of the laws, I must be permitted to call your attention to its present organization. The basis of our judicial system is laid by the constitution. It consists in one supreme court and such other courts as the legislature may from time to time establish. At the original organization of our state government, the judicial power was vested alone in a supreme court, the judges of which were required to perform the duties of circuit judges. That system

exists at the present day ; but from the increase of business in the different counties, and from original defects, it is rendered inadequate to the accomplishment of the ends designed by its institution.

One objection to the present organization is, that as the judges of the supreme court are required to review their own decisions, made as presiding judges of the circuit courts, the very natural and almost inevitable result must be, that it tends to lessen the public confidence in the administration of justice. The judges of the court of last resort, whose decisions in law and in equity are final upon matters of the greatest moment to individuals and the whole community, ought, so far as the law is concerned, to be placed beyond the liability of all suspicion or imputation. An additional objection to the present system is, also, that the proper business of the supreme court will very soon, if it does not now, require an amount of labor and diligence, which will occupy most of the time of the judges. Over and above its original jurisdiction, this court has appellate jurisdiction from the court of chancery, from all the circuit courts in criminal and civil cases, on writs of error, and from the courts of probate of the different counties. This must necessarily bring before the judges many important and unsettled questions, and as the decisions in all such cases are final and conclusive, great labor and responsibility must be attached to the discharge of duties where the great leading principles of law are to be established which are to govern our citizens in all time to come, and to protect them in all their rights and liberties.

Satisfied, then, that our present judicial system is inadequate to the great ends for which it was established, I would recommend such an alteration as will lead to the organization of circuit courts as reported by the reviser of the laws at the last session of the legislature. This change will ensure the speedy administration of justice in the different circuits, and will leave the supreme judges sufficient time for study and mature deliberation. Three circuits would probably meet the demands of the public. In point of economy nothing would be lost in the change, for by confining the supreme judges to three in number, as well as the

circuit judges, it is but the increase of two additional offices ; and what is this, when balanced with the immense advantages accruing to the community, from having your judiciary at once placed upon a just and correct foundation. Whatever view the legislature may take of the subject, their speedy action on it is highly desirable.

I may here call your attention to the wretched manner in which criminal justice is administered in the different counties. From neglect and inattention, our criminal laws have become almost inoperative. The prompt and efficient execution of our criminal code, chiefly depends upon the exertions of the prosecuting attorney of each county. The inadequate compensation, however, which these officers receive, renders it impossible to secure their attention to the duties imposed upon them. I would recommend, as a remedy for the evil, if no constitutional impediment exists, that the state be divided into districts, and that an attorney be appointed for each district. Such a measure, if adopted, would elevate the office, as it would increase the compensation, and thus command higher legal attainments. The constitution provides that there shall be a prosecuting attorney for each county, and the question will arise, whether this provision would prevent the appointment of the same individual for more than one county. My own opinions are in favor of the right of the legislature to make the contemplated change, but I refer the subject to your consideration. A report from the attorney general will also be submitted, embracing other amendments to the existing laws.

There is one subject connected with the duties of the philanthropic legislator, to which I beg leave to call your most serious attention. At repeated sessions of the legislature, I have earnestly recommended the total abolition of imprisonment for debt. This recommendation received the sanction of two successive legislatures, the reviser of the laws was instructed to erase the system from his revision, and yet strange as it may appear, it still remains a blot upon your statute book. Imprisonment for debt has been entirely abolished, except in cases of fraud, in several of the states of the Union, without any inconvenience resulting to the administration of justice. In our own state, a modification has taken place, but still our laws leave the liberty

of the citizen at the mercy of an unrelenting creditor, contrary to every principle of religion, humanity, and justice. If imprisonment for debt should be abolished at all, its total abolition is demanded; for the same considerations and principles govern in the one case as the other. My views on this absorbing topic, have been fully presented to the legislature in frequent Executive communications. The subject is again presented for your action, with the conviction that your regard for the happiness of the poor and unfortunate, your sense of what is due to the spirit of our free institutions, and the expanding philanthropy of the age, render further recommendation on my part unnecessary.

At the last session of the legislature important changes were made in our militia system, but no adequate remedy is to be found in the existing laws for the indifference and neglect with which this branch of our state polity is regarded. Under our guarded institutions, no substitute can be proposed for the militia amidst the sudden demands and exigencies of war. In the absence of a standing army, the citizen must be the defender of his country, and yet we find our militia, undisciplined, unarmed, and in many instances without even the mere forms of organization. Some additional stimulant must be offered to secure the efficient discharge of their duties by the officers, or the system may as well be abandoned. Your attention, therefore, is invited to the subject, as one worthy of your deliberations.

As a general rule, the tendency of all legislative bodies is to excess of legislation. That the world is governed too much, is almost as applicable to our own form of government, as to others less free. The spirit of our liberal system, however, repudiates all needless restraints upon the free actions of the people. Government should curb the natural right of the citizen only where the exercise of that natural right would conflict with the rights of others, or prove injurious to the community at large. And yet our legislatures are constantly adopting legislative rules to protect the people from themselves.

Amongst these numerous legal restraints, none are more useless and pernicious than our usury laws. The policy of interfering between citizen and citizen, as to the terms upon which one shall lend and the other borrow, should never be acknow-

ledged. Leave the rate at which loans should be made between individuals, to the supply and demand of the market. A different policy drives capital abroad, or induces it to seek other channels from ordinary loans for investment, increases the dependence on the banks, and above all, in its moral tendency, engenders a disregard for the solemn injunction of the laws. It is true, that by the revised code, our laws on this subject have been modified, but where a principle is correct, it should never be abandoned by a partial compromise.

In the same spirit may be regarded our auction laws. Why this restraint upon an ordinary and harmless pursuit of life? The right to make sales at public auction, should be left open to the community at large, and not be confined to the hands of a selected few. The state of New York has abolished the system. In addition to the monopoly created, the license you exact operates as an unequal and indirect tax. You create the monopoly and impose a license, as a source of revenue to the state, at the same time forgetting that the public are charged with this license by commissions on sales, at a rate enhanced by the absence of the competition in trade which you have prohibited.

It might prove a source of curious speculation to ascertain the indirect taxation with which the American people are charged. The very bread we eat, the clothes we wear, all the necessities of life, every thing except the light of heaven and the air we breathe, are subject to these impositions in the shape of licenses, inspections or duties. The only method of raising the revenues of a republic should be by drawing them openly and directly from the people. They then know and feel what their burthens are. It need not ever be apprehended that they will not render freely what is necessary for the support of the government, according to a just and equal system of taxation. To suppose the contrary, is to contend that the people are incapable of self government. With such views, I am against all restraints or impositions upon the ordinary pursuits of the citizen, and consequently in favor of a repeal of our existing law relating to sales at auction.

By a joint resolution of the legislature, approved April 6, 1838, the governor of the state was instructed to obtain the opinion of

some eminent jurist, touching our legal right to the district of country which has been in contestation with Ohio, and the best mode of prosecuting our claim thereto. The questions presented by this resolution were submitted to distinguished counsel, a copy of whose opinion accompanies this communication. It will be seen that they are of opinion, that the state and people of Michigan are bound by the assent to the terms of their admission into the Union, as given by the convention of January 6, 1836; that the alteration in the northern boundary line of Ohio, has now been made by the "common consent," required by the ordinance of 1787; and that Michigan has no remedy left her, known to the constitution and laws of the land, by which she can lawfully disturb the boundary line as now settled.

Amongst the various important questions of public interest which claim your attention, none can be more completely identified with the prosperity of our country than that of the abolition of slavery. In our own state slavery is prohibited by its constitution, nor does there perhaps exist amongst ourselves a difference of opinion as to its pernicious consequences to the rapid advancement and permanent prosperity of a community. But whatever may be our opinions as to the abstract question of slavery, its existence as a state institution is acknowledged by the federal constitution and the laws of the land. In the spirit of conciliation and fraternal feeling, which actuated our fathers in the establishment of our confederacy, the rights of the southern states in their slaves, were guaranteed and secured. A federal union could have been formed on no other basis. And yet, a portion of the people of the north, regardless of these considerations, and of their obligations as parties to the federal compact, are, in a spirit of misdirected philanthropy, engaged in efforts, which, could they be successful, would subvert the domestic institutions of their southern neighbors.

This disregard of every consideration due from one portion of the union to another, must be lamented by every friend of his country. It tends to disturb the relations created by the federal compact, and is at war with its spirit and designs. But as our free institutions are opposed to all restraints upon the liberty of the press, we can only appeal to the patriotism of our citizens in

asking them to abandon the agitation of a subject, which, unless checked, must endanger the union of the states.

It also becomes my painful duty to call your attention to the occurrence of recent scenes of violence and disorder on our own frontier, which have unfortunately disturbed our friendly relations with a neighboring province. The revolt in the British provinces of Upper and Lower Canada naturally excited the sympathy of our citizens, and aroused that spirit of freedom which has ever characterized the American people. It is to be regretted, however, that these feelings should have led any portion of our citizens into an open disregard of the laws of their own country, into a contempt for national faith, and into a violation of our neutral relations with a foreign power with whom we are at peace.

With the declaration of opinions, or the exhibition of sympathy on the part of our citizens for any people struggling for the rights and privileges which we enjoy, our government has no right to interfere, nor will it, it is believed, ever claim such a right. But our citizens have not rested here. We have unhappily witnessed on our soil, the embodying of an armed force, and the hostile invasion of the dominions of a power with whom the United States are upon the most friendly relations. There is a rank due to the United States amongst the nations of the christian world, which can only be maintained by preserving inviolate her obligations with foreign powers. If the good sense, patriotism, and returning reason of those of our citizens who have been temporarily misled, will not induce them to refrain from the repetition of the scenes we have passed through, the strong arm of the law must protect from blemish the heretofore spotless reputation of our government. In the execution of those laws, it is trusted and hoped every American citizen will always be found rallying to their support. If otherwise, and the laws of our own adoption are trampled upon with impunity, there is an end to our institutions. We admit to the civilized world, that the American people are unfit for the privileges of self-government, and afford to the advocates of arbitrary power, the proudest triumph the world has ever witnessed. But I feel that our obligations to abstain from interfering with the domestic institutions of a foreign

government, will be fully acknowledged by the people of Michigan; and let me enquire of many of those patriotic citizens, who are foremost in enforcing these obligations, if the same are not binding in our relations with sister states and fellow countrymen.

I have thus, fellow citizens, presented to you such views as have occurred to me, as being worthy of your consideration. The present, in all probability, is the last occasion I shall have of communicating with the representatives of the people of Michigan, and I cannot refrain from an expression of gratitude to the great body of my fellow citizens for the repeated manifestations of favorable regard they have extended to me. Though sensible my exertions have not met with the success I could have wished, yet I trust they will be considered as having been directed by an earnest desire for the public good. And if my official relations to the people of Michigan have been attended with any injurious consequences to their interests, I am consoled by the persuasion that those evils will find their corrective in the patriotism of the legislative branch of the government, and in the wisdom of those who may succeed me. For the present, it only remains for me to give the assurance of my zealous co-operation in the accomplishment of every measure which will add to the happiness or promote the prosperity of our constituents.

STEVENS T. MASON.

*Detroit, January 7, 1839.*

On motion of Mr. Kercheval, it was

*Resolved*, That one thousand three hundred copies of the message, with accompanying documents, be printed, as follows: one thousand in English, two hundred in French, and one hundred in German.

Mr. Kercheval moved that the Senate adjourn, which motion was lost.

The Senate, on motion of Mr. Summers, then took up the report of the committee of nomination for consideration.

Mr. Woodbridge moved to strike out the clause relating to the appointment of reporter; but afterwards, on request of Mr. Cook, withdrew his motion; whereupon

Mr. Cook moved that said report be recommitted, which motion was lost.



Mr. Kercheval moved that the senate adjourn, which motion was not agreed to.

Mr. Cook moved that the consideration of the report of the nominating committee be indefinitely postponed, which motion was not concurred in.

The Senate then, on motion of Mr. Bradford, accepted the report of the committee appointed to nominate suitable persons for officers to the Senate.

On motion of Mr. Kercheval, the Senate then went into an election for officers.

Mr. Kercheval nominated for Secretary of the Senate, Samuel Yorke At Lee of Kalamazoo.

Mr. Gidley nominated for said office, George Sedgwick.

The election for Secretary of the Senate was then gone into, viva voce, whereby it appeared that S. Yorke At Lee received twelve votes, and George Sedgwick five, as follows :

*At Lee.*

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,
Mr. Etheredge,	Mr. Kingsley,	Mr. Woodbridge, 12

*Sedgwick.*

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,
Mr. Gidley,	Mr. Hawkins,	5

Mr. At Lee was thereupon declared duly elected Secretary of the Senate.

The Senate then went into an election of enrolling and engrossing clerk.

Mr. Harrington nominated Chas. B. H. Fessenden, who, having on the third trial received nine votes, was declared duly elected enrolling and engrossing clerk of the Senate.

The Senate then went into an election of recording clerk.

Mr. Curtis nominated John Berry, who, having on the eleventh trial, received nine votes, was thereupon declared duly elected to said office.

The Senate then being prepared for election of sergeant-at-arms, Mr. Doran was nominated. Mr. Doran having, on the

tenth trial, received ten votes, was thereupon declared duly elected to said office.

Mr. Davidson was then nominated as door-keeper to the Senate, and having, on the third trial, received ten votes, was thereupon declared to be duly elected to said office.

Mr. Cook then moved to take up that part of the report of the nominating committee relating to the reporter, and nominated Joseph Coats for election to said office; but before said motion was disposed of,

On motion of Mr. Kingsley,

The Senate adjourned until 10 o'clock A. M. to-morrow.

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### WEDNESDAY, JANUARY 9.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll being called, there were absent Messrs. Kercheval and Woodbridge, who, however, afterwards appeared and took their seats.

The journal of yesterday was read, when,

On motion of Mr. Trowbridge,

*Resolved*, That a committee of two be appointed to invite the several clergymen of this city to open with prayer the daily sessions of the senate.

Messrs. Trowbridge and Kercheval were appointed said committee.

On motion of Mr. Harrington,

*Resolved*, That the printer of the state be requested to publish the daily journal of the senate's proceedings as furnished by the secretary daily, and furnish the table of each member of the senate each morning with a journal of the proceedings of the senate and house of representatives on the preceding day.

On motion of Mr. Kercheval,

*Resolved*, That so much of the governor's message as relates to the militia, be referred to the committee on the militia.

On motion of Mr. Kercheval,

*Resolved*, That the executive be requested to cause to be laid before the senate, as early as possible, a statement, showing the

amount of the whole expenses incurred by the state on account of the loan of five millions of dollars authorized for purposes of internal improvement, and negotiated by him, designating the amount paid for commissions, transportation, services, as agents and messengers, together with his personal expenses, if any such expenses have been incurred, and paid, and to whom paid.

Mr. Hawkins offered the following amendment :

*Resolved*, That so much of the governor's message as requests a committee of investigation to enquire into the manner of the negotiation of the five million state loan be referred to a select committee of seven, to be composed of one from each senatorial district, to be appointed by the president of the senate, with power to send for persons and papers, to fully investigate the same and to report their proceedings therein to the senate.

On motion of Mr. Bradford,

The resolution and amendment were laid on the table.

On motion of Mr. Harrington,

*Resolved*, That so much of the governor's message as relates to banks be referred to the committee on incorporations.

Mr. Kingsley submitted a resolution in the following words :

*Resolved*, That so much of the governor's message as relates to the subject of internal improvement, be referred to the committee on internal improvement.

The resolution, on motion of Mr. Summers, was laid on the table.

On motion of Mr. Hawkins,

*Resolved*, That the consideration of the several portions of the governor's message not yet referred, be committed to the committee of the whole.

On motion of Mr. Woodbridge,

*Resolved*, That the committee on the judiciary be instructed to inquire whether proper effect hath hitherto been given to so much of the fourth section of the twelfth article of the constitution of Michigan, as requires that "an accurate statement of the receipts and expenditures of the public money," be attached to and published with the laws annually ; and if not, that said committee inquire into the cause or causes which may have occasioned such omission, and report their opinion thereupon to the senate.

*And be it further resolved,* That said committee inquire whether any, and if any, what further measures may be necessary, in order more certainly to effectuate the purposes of said constitutional proviso, and that they have leave to report thereupon by bill or otherwise.

Mr. Cook gave notice that on some future day he would ask leave to bring in a bill to incorporate the Detroit and Ore Creek canal company.

Mr. Cook moved that the senate proceed to the election of reporter to the senate.

Mr. Hawkins moved that the whole subject be indefinitely postponed, which was decided in the negative by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge.
Mr. Gordon,		

7

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing.
Mr. Etheridge,		

10

The question then recurring on the election of a reporter to the senate, was decided in the affirmative.

Whereupon Mr. Cook nominated Mr. Coates for said office.

The vote stood as follows :

For Mr. Coates,	7
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For ———	10
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There being no choice, the whole subject was, on motion of Mr. Hawkins, laid on the table.

The president announced a message from the governor, by Mr. C. C. Jackson, his private secretary, transmitting the annual report of the attorney general.

Mr. Wing moved that the report be referred to the committee on the judiciary ; while the question was pending, the report, on motion of Mr. Bradford, was referred to committee of the whole.

The president announced a message from the governor in the words following :

*To the Senate :*

I herewith transmit sundry resolutions of the legislature of Georgia, on the subject of slavery ; and a communication from the governor of Indiana, relative to the St. Joseph river.

S. T. MASON.

*Detroit, January 9, 1839.*

The communication from the governor of Indiana, in relation to the improvement of the navigation of the St. Joseph river, was, on motion of Mr. Bradford, referred to the committee on internal improvement.

The resolutions of the legislature of Georgia on the subject of slavery, were, on motion of Mr. Wing, referred to the committee of the whole.

The senate then resolved itself into a committee of the whole, Mr. Bradford in the chair, on so much of the governor's message as had not been referred ; and after some time spent thereon, the committee rose and through their chairman reported progress, and asked and obtained leave to sit again.

The senate then resolved itself into committee of the whole, Mr. Cook in the chair, on the resolutions of the legislature of Georgia on the subject of slavery ; and after some time spent thereon, the committee rose and through their chairman reported the same back, and asked leave to be discharged from further consideration of the subject, which leave being granted, the resolutions, on motion of Mr. Bradford, were then referred to the committee on state affairs.

Mr. Woodbridge presented a petition from Martin Kundig, of the county of Wayne, praying remuneration for certain services rendered the county, for which the law made no provision, which, on motion of Mr. Kercheval, was referred to the committee on state affairs.

The resolution in relation to the establishment of a marine hospital was then, on motion of Mr. Woodbridge, taken up, read a third time and passed.

On motion of Mr. Trowbridge,

*Resolved*, That a committee of two be appointed to wait upon the clergy of this city and request them to officiate at the openings of the senate.

Messrs. Trowbridge and Kercheval were appointed said committee.

Mr. Kercheval presented a communication from Chancellor Kent, in relation to his fee as counsel for the state of Michigan in regard to the southern boundary question, which, on motion of Mr. Kercheval, was referred to the committee on claims.

Mr. Wing presented a claim from the register of deeds of Lenawee county, for recording mortgages given by the Lenawee county bank, at the request of the bank commissioner, which was, referred to the committee on claims.

Mr. Gidley submitted a resolution in the following words:

*Resolved*, That the secretary of the senate be directed to have printed seventy-five copies of a manual, embracing the constitution of the state, the rules of the house and the senate, the joint rules of both houses, and the other subjects embraced in the manual of the last legislature, and that each senator be supplied with one copy.

Which resolution, on motion of Mr. Bradford, was laid on the table.

The president, in pursuance of a resolution, appointed Orlando Wilcox and Henry Clitz, messengers of the senate.

On motion of Mr. Wing,

*Resolved*, That the president of the senate be directed to cause to be administered to the secretary and the other officers of the senate, except the door-keeper and messengers, the oath or affirmation prescribed in the first section of the twelfth article of the constitution of Michigan.

Mr. Cook presented the claim of C. C. Parks, for services rendered as brigade inspector, which was referred to the committee on claims.

On motion of Mr. Woodbridge,

*Resolved*, That the committee on the judiciary be instructed to inquire whether the amendment to the constitution of Michigan proposed at the last session of the senate and house of representatives of the state of Michigan has been duly published, according to the provisions of the first section of the thirteenth article of the constitution; and if not, what further measures, if any, are requisite to carry into effect the resolution entitled "A resolution pro-

posing certain amendments to the constitution of the state," approved April 6, 1838, with liberty to report thereon by bill or otherwise.

On motion of Mr. Cook, the senate adjourned until ten o'clock A. M., to-morrow.

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### THURSDAY, JANUARY 10.

The Senate met pursuant to adjournment and was called to order by the president.

The roll being called, all the Senators answered to their names.

Mr. McCamly presented the petition of certain residents in townships numbered one south, of range numbered eight west, praying to be set off and organized ; which was referred to the committee on towns and counties.

Mr. Gordon presented the petition of certain residents in townships numbered three and four north, of range numbered five west, praying to be set off and organized, which was referred to the committee on towns and counties.

Mr. Bradford, on behalf of the committee appointed to prepare suitable rules and an order of business for the regulation of the Senate, submitted a report in the following words :

The committee appointed to prepare suitable rules and an order of business for the regulation of the Senate, report :

That having carefully revised the order of business and rules adopted by the Senate at their last session, in 1838, they concur in recommending their adoption by the present Senate, with the following alterations, amendments and additions, viz :

Rule 12. Erase the words " upon a division in the Senate," in the first line of the rule, and substitute the words " upon any question." Substitute for the word " voted," in the second line of the same section as printed in the manual, the word " vote." And in place of the words " a question," the words " the same," so that the rule shall read,

Rule 12th. Upon any question the names of those who vote for or against the same, shall be entered alphabetically on the

minutes, if one member require it, and each member called upon, unless for special reasons he be excused by the Senate, shall declare openly and without debate, his assent or dissent to the question.

Rule 23d. In the 11th line of said rule in the printed manual, strike out the words "on Indian affairs," and substitute the words "on the state library." Also, in the 14th line, strike out the words "17th on expenditures," and alter the figures "18th" in the same line, and "19th" in the subsequent line into "17th" and "18th," respectively.

Rule 24th. Add to the last line of the rule the words "except on amendments to bills that are returned from the House of Representatives to the Senate for final concurrence."

Rule 30th. In the sixth line of said rule in the printed manual substitute in place of the words "three-fourths," the words "two thirds."

Rule 36th. Strike out the whole of this rule.

Rule 37th and 38th. Change the numbers of each of said rule, and number them thirty-six and thirty-seven.

Rule 37th changed to rule 36th. In the fifth line of said rule, in the printed manual, strike out the words "request of a member" and substitute the word "motion," and erase in the same line the word "that," and in the subsequent line, substitute for the word "may," the word "is."

Rule 38th changed to rule 37th. In the fifth line of said rule, in the printed manual, strike out the word "absent," and after the following word "members," and between it and the next word "was," insert the words "absent without leave." Also, after the word "members," in the twelfth line of said rule, in the printed manual, insert the words "without such sufficient excuse."

Rule 39th. Strike out and dispense with the whole of said rule in the printed manual.

All of which the committee respectfully submit.

On motion of Mr. Gordon, said report was considered separately and adopted.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, returning the joint resolution relative to the appointment of a committee of supplies, with



an amendment to strike out the word "two," in the third line of the resolution, and insert the word "three," which amendment was concurred in by the Senate.

The President announced a message with accompanying documents from the Auditor General, which,

On motion of Mr. Hawkins, was laid on the table, and five hundred copies ordered to be printed.

[*See Senate Document No. 6.*]

The President announced a message from the Governor, by Mr. C. C. Jackson, his private secretary, in the following words :  
*To the Senate :*

I herewith transmit a resolution of the board of regents of the university of Michigan, asking sundry facilities in transportation, from the legislature, on the state railroad.

S. T. MASON.

*Detroit, January 10, 1839.*

*Resolved*, That the legislature be petitioned to grant to the board of regents the right to transportation of materials for the university building at Ann Arbor, upon the central railroad, free of toll, and also the conveyance of the superintendent of said buildings, and of the regents, when their business shall necessarily require them to travel said road.

Adopted January 9, by the board of regents, and referred to the president, to be by him transmitted to the legislature.

(Signed)

Z. PITCHER,

*Secretary pro. tem.*

*January 10, 1839.*

The same was, on motion of Mr. Kercheval, referred to the committee on internal improvement.

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of altering the collection laws of this state, so as to make them more equal in their operation, and consistent with the laws existing when the contracts were made.

On motion of Mr. Kercheval,

*Resolved*, That so much of the Governor's message as relates to the subject of a board of fund commissioners—the opinion of

the counsel in the case of our southern boundary, and the question on the abolition of slavery, be referred to the committee on state affairs.

On motion of Mr. Wing,

*Resolved*, That so much of the Governor's message as relates to the judiciary be referred to the committee on the judiciary.

Mr. Bradford submitted the following resolution :

*Resolved*, That so much of the Governor's message as relates to the finances of the state and the condition of the treasury, be referred to the committee on finance ; that so much as relates to the internal improvements of the state, be referred to the committee on internal improvement ; that so much as relates to education, the university and its branches, and the common schools and the geological survey, be referred to the committee on literature ; that so much as relates to agriculture, be referred to the committee on agriculture ; that so much as relates to the state penitentiary, be referred to the committee on state prisons ; that so much as relates to the abolishment of imprisonment for debt, be referred to a select committee of three ; that so much as relates to auctions, the usury law, the boundary line, slavery and the Canada war, be referred to the committee on state affairs.

Which, on motion of Mr. Hawkins, having been considered separately, was adopted.

The President announced the names of the following, as the select committee :

Messrs. Bradford, Gordon and Greenly.

On motion of Mr. Kingsley,

*Resolved*, That so much of the Governor's message as relates to the construction of the central railroad, be referred to the committee on internal improvement, with power to send for persons and papers, and that they be instructed to enquire into the cause of delay in constructing said road, and report to the Senate the results of such enquiry.

The President presented a printed report from the state geologist, which, on motion of Mr. Bradford, was referred to the committee on manufactures.

Mr. Bradford gave notice that at some future day, he would ask

leave to introduce a bill to incorporate the Berrien mutual insurance company.

On motion of Mr. Bradford, the committee on finance were authorized and requested to furnish the Senate temporarily with stationery.

On motion of Mr. Summers,

*Resolved*, That a joint committee be appointed, consisting of two from the Senate, and three from the House, to inquire of the commissioners of internal improvement in reference to the disposition made by them of the improvement fund; if any moneys have been loaned out by them, what sums have been loaned out, to what individuals, and with what security.

On motion of Mr. Kercheval, the resolution laid on the table yesterday, requesting the Executive to furnish the Senate with "a statement shewing the amount of the whole expense, incurred by the state on account of the loan of five millions of dollars," was taken up, and passed.

Mr. Hawkins having withdrawn the amendment to the above resolution, offered by him, and laid on the table yesterday, submitted the following :

*Resolved*, That so much of the Governor's message as requests a committee of investigation to inquire into the manner of the negotiation of the five millions of dollars state loan, be referred to a select committee of seven, to be composed of one from each senatorial district, to be appointed by the President of the Senate, with power to send for persons and papers, to fully investigate the same, and to report their proceedings therein to the Senate, which was passed.

Mr. Cook, pursuant to notice previously given, asked leave to bring in a bill to incorporate the Detroit and Ore creek canal company, which leave was granted, and on motion of Mr. Kingsley, said bill having received its first and second reading, was,

On motion of Mr. Cook, referred to the committee on internal improvement.

Mr. Hawkins submitted the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the present law, that executions already obtained, as well as those hereafter to be ob-

tained from all courts of records in this state, may be issued from the county where the same are obtained to any other county in the state. That where two or more joint, or joint and several obligors to any bill, note, contract, debt, or demand whatsoever, reside in different counties in this state, process may issue in the same, as though they all resided in the same county.

On motion of Mr. Wing,

*Resolved*, That until further order, the Senate meet at the hour of ten A. M. on each day, unless a different hour be named in the adjourning order.

On motion of Mr. Gordon, the Senate adjourned.

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#### FRIDAY, JANUARY 11.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll having been called, there were absent, Messrs. Curtis and Drake, who afterwards appeared and took their seats.

Prayer by the Rev. Mr. Comstock.

The President announced the following as the select committee in pursuance of the resolution passed yesterday on motion of Mr. Hawkins, referring "so much of the Governor's message as requests a committee of investigation, to inquire into the manner of the negotiation of the five million dollars state loan, be referred to a select committee of seven," &c., to wit: Messrs. Hawkins, Woodbridge, Greenly, Cook, Harrington, Gordon, Etheridge.

Mr. Harrington presented the claim of Stephen R. Wood, county clerk of Chippewa county, for services as district canvasser for the fourth senatorial district; referred to the committee on claims.

Mr. Harrington presented the memorial of the president and directors of the St. Clair and Romeo railroad company, praying a loan from the state to enable them to complete their works; referred to the committee on finance.

Mr. Woodbridge presented the petition of Isaac Jennings and others, praying an act of incorporation for the Grand River theological seminary; referred to the committee on incorporations.

Mr. Bradford presented the petition of Cyrus Dana and others for the incorporation of the Berrien county mutual insurance company ; referred to the committee on incorporations.

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to inquire if it be necessary to make any further provision for the payment of jurors before justices of the peace, and report by bill or otherwise.

On motion of Mr. Bradford,

*Resolved*, That the committee on the judiciary be instructed to inquire whether it be requisite and expedient to increase the allowance by the fee bill to justices of the peace, in civil and criminal cases, and report by bill or otherwise.

On motion of Mr. Gordon,

*Resolved*, That the President of the Senate assign seats within the bar of the Senate to such persons as may wish to report their proceedings.

Mr. Harrington gave notice that he would at some future day, ask leave to bring in a bill to incorporate a life insurance and trust company, to be denominated the " Life insurance and trust company of Michigan."

On motion of Mr. Bradford,

*Resolved*, That the Secretary of the Senate be directed to have printed and procure for the members and officers of the Senate, a printed legislative manual for the year eighteen hundred and thirty-nine, similar to the manual of eighteen hundred and thirty-eight, with such alterations in the rules of the Senate as have been adopted by the Senate, and to have added to it a catalogue of the state library.

Mr. Bradford, pursuant to notice given, asked leave to introduce a bill to incorporate the Berrien county mutual insurance company, which leave was granted.

The President thereupon appointed Messrs. Bradford, Harrington and Greenly, a committee to report said bill, which, having passed its first and second reading, was, on motion of Mr. Bradford, referred to the committee on incorporations.

On motion of Mr. Trowbridge,

*Resolved*, That the Auditor General be requested to furnish to

the Senate information on the subject of the loan to the Detroit and Pontiac railroad company, the nature and amount of securities to the state, and whether the law authorizing said loan has been fully complied with.

On motion of Mr. Gordon,

*Resolved*, That the committee on internal improvements be instructed to inquire in what manner the rates of toll have been established on the central railroad, and also, whether any further action of the legislature be deemed necessary on that subject, with leave to report by bill or otherwise.

On motion of Mr. Bradford,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety and expediency of repealing such parts of the revised statutes, as relate to the sale of lands by the sheriff under executions, and substituting therefor a system by which the plaintiff taking out such execution and levying on real estate, shall take the same even at its appraised value, with leave to report by bill or otherwise.

On motion of Mr. Woodbridge,

*Resolved*, That the committee on the judiciary be instructed to inquire whether so much of the act entitled "An act to provide for the election of Senators in the several districts of Michigan," as purports to shorten the term for which any member of the Senate may be entitled to his seat, be consistent with the constitution of this state and of any obligatory force, and if not, then whether any further action on the part of the Senate, and if any, what would be requisite in order to carry into effect the provision contained in the fifth section of the fourth article of the said constitution, and that the said committee report their opinion thereon.

On motion of Mr. Wing, two members were added to the committee on finance.

The President named Messrs. Cook and Gidley, as such additional members.

The Chair presented a communication from the Superintendent of Public Instruction, together with the report of the regents of the university, which, on motion of Mr. Curtis, were laid on the table and ordered to be printed.

[See Senate Document No. 9.]

The President announced a report from the president of the River Raisin and Lake Erie railroad company, which, on motion of Mr. Kingsley, was referred to the committee on internal improvements.

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of changing, postponing or abolishing any of the terms of the courts, in the several counties as now established, with a view better to answer the ends of justice.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, informing the Senate that the House of Representatives had concurred in the joint resolution in relation to the joint rules of both houses, and also informing the Senate that the House had appointed Messrs. Chapin, L. Allen and Chase, a committee of supplies on behalf of the House.

The President then announced Messrs. Drake and Trowbridge, committee of supplies on the part of the Senate.

On motion of Mr. McCamly,

*Resolved*, That the committee on literature be instructed to inquire into the plan, if any has been adopted by the board of regents of the university, for the university buildings, the materials of which they are about to be composed, the estimated cost of erection, also whether the loan of one hundred thousand dollars on the credit of the state authorized by act of legislature, has been effected, in what manner, and on what terms, if effected, and what disposition has been made, or is contemplated to be made of said loan by said board, with leave to report by bill or otherwise.

On motion of Mr. Hawkins, the Senate adjourned to Monday next, at ten o'clock, A. M.

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#### MONDAY, JANUARY 14.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent, Messrs. Cook, Kercheval, McCamly and Woodbridge, who afterwards appeared and took their seats.

Mr. Bradford presented a memorial of the common council of Niles, praying for certain amendments to their charter, which was referred to the committee on incorporations.

Mr. Wing, on behalf of the committee on the judiciary, reported the following bills: "A bill to provide for the appointment of circuit attorneys, and to define their duties;" also, a bill entitled "A bill to amend chapter third, title one, part third of the revised statutes, entitled 'Of the circuit courts,'" which having, on motion of Mr. Bradford, passed the first and second reading, were laid on the table and ordered to be printed.

The President announced the following as the committee on the library, in pursuance of the report of the committee on rules and orders, Messrs. Summers, Bradford and Woodbridge.

Mr. Bradford gave notice that at some future day he would ask leave to introduce a bill amendatory of the act passed by the last legislature, entitled "An act releasing to the United States fourteen sections in the Niles and Nottawassepe reserves, upon certain conditions," and for the further relief of the actual settlers upon university locations.

Mr. Harrington gave notice that he would at some future day ask leave to bring in a bill to provide for the collection of demands against boats and other vessels.

On motion of Mr. Bradford,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the tenth section of chapter six of title first of part third of the revised statutes, as to provide that the record in a book therein directed to be kept shall be only necessary where a judgment has been entered in a civil cause, and shall not apply to civil cases settled by the parties, or where no final determination by judgment shall have been made.

On motion of Mr. Greenly,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing for the filing of chattel mortgages, and of rendering such mortgages legal and valid



instruments, from the date of such filing for one year, and report by bill or otherwise.

On motion of Mr. Greenly,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of making judgments in a court of record liens upon real estate, from the time of the rendering thereof, with leave to report by bill or otherwise.

On motion of Mr. Greenly,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing that when an execution against the goods and chattels of the judgment debtor issued from a justices court, shall be returned unsatisfied, the judgment creditor may file a transcript of such judgment in the office of the county clerk, where the same shall have been rendered, and obtain execution there against the lands and tenements of such judgment debtor, and report by bill or otherwise.

Mr. Etheridge submitted a resolution in the following words :

*Resolved by the Senate and House of Representatives*, That the Secretary of State be requested to furnish the tables of the two houses with Blois' Gazetteer for their use, which having been read twice, was ordered to be engrossed for a third reading.

On motion of Mr. Kingsley,

*Resolved*, That the committee on finance be instructed to inquire whether any of the counties in this state have neglected or refused to pay to the state their proportion of the state taxes heretofore due, and that said committee report the results of such inquiry, with their opinion thereon, if any taxes are found due.

Mr. Gordon gave notice that he would at some future day ask leave to bring in a bill to organize the county of Barry.

On motion of Mr. Bradford,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of repealing so much of the fee bill in the revised statutes, in page five hundred and sixty-six, relating to sheriff's costs on attachments, as allows the sheriff the same poundage upon the value of the property seized as upon executions.

On motion of Mr. Drake,

*Resolved*, That the State Treasurer be requested to send to

the Senate at as early a day as practicable, a statement showing the amount of money received from the treasurer of the late territory of Michigan, also setting forth the several sums of money received by the State Treasurer, of whom received, and the time when received, the several sums by him paid out, and to whom, and for what purpose the sum has been paid.

The President announced a message from the Governor on executive business, by Mr. C. C. Jackson, his private secretary.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, asking the concurrence of the Senate in the following joint resolutions :

*Resolved*, (the honorable the Senate concurring,) That the select committee of the Senate and House of Representatives upon the subject of the five million dollars loan, be a joint committee for the purposes, and with the powers as conferred upon said committee by the respective resolutions under which the said committee were appointed.

*Resolved*, (if the honorable Senate concur herein,) That a joint committee of two from the Senate and three from the House, be appointed, to inquire in what respect, if any, and to what extent the officers of the banks of Washtenaw and Clinton, have been guilty of a violation of their charter, and report by bill or otherwise, the committee to be vested with power to send for persons and papers.

The first resolution being under consideration, Mr. Kingsley moved its adoption.

Mr. Hawkins offered the following amendment, which was agreed to :

Amend by inserting after the word " the," in the second line, the words "President of the Senate and Speaker of the House of Representatives, be authorized to appoint from the," and after the word " committee," in the same line, the word " respectively," and adding the letter " s" to the word " committee ;" insert after the word " representatives," the words " the members."

The original resolution as amended, was then, on motion of Mr. Kingsley, adopted.

The original resolution and amendment, were then, on motion of Mr. Hawkins, laid upon the table.

The second joint resolution then being under consideration, Mr. Hawkins offered the following amendment thereto :

*Resolved*, That a committee of three be appointed by the President of the Senate to act with three to be appointed by the House, to ascertain and report whether the banks of this state which took the benefit of the suspension act, so called, passed in June, 1837, and accepted of the provisions therein contained, have faithfully and honestly complied with the requirements contained in said act, and thereby preserved the immunities and franchises conferred by their respective charters, or whether they have violated their said charters in any essential particular, and if so, to bring in a bill to repeal the same, with power to send for persons and papers, which, together with the original resolution, was, on motion of Mr. Wing, laid upon the table.

On motion of Mr. Kingsley, the Senate then went into executive business.

When the doors were opened,

The Senate, on motion of Mr. Harrington, adjourned.

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## TUESDAY, JANUARY 15.

The Senate met and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent Messrs. Cook, M'Camly and Summers, who afterwards appeared and took their seats.

Mr. Kingsley on behalf of the committee of internal improvement, to whom was referred the resolution from the board of regents of the university, in relation to free freight and passage on the rail road, submitted a report, which, after being read, was, on motion of Mr. Bradford, laid upon the table and ordered to be printed.

Mr. Etheridge, on behalf of the committee on manufactures, to whom was referred the communication of the State Geologist, relative to salt springs, submitted a report, to wit :

Whereas recent examinations of the salt springs within this state have led to the conclusion that some very valuable springs are located in the northern portion of this Peninsula, which is a

heavy timbered country, and almost wholly a wilderness : whereas at Tittabawssa, in Grand Rapids, there is now being expended by this state large sums of money in improvements for procuring saline waters : and whereas there is much expense and trouble attending, getting to and from said springs ; therefore

*Be it resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed and our representative in Congress be requested, to procure the passage of an act of Congress, giving to this state each alternate section of unlocated land ten miles in width, commencing at the centre of the southern line of Michigan and running the most direct practicable route to the straits of Mackinac, for the purpose of constructing a road on said route. And, also each alternate section of unlocated land for ten miles in width, commencing at the head of Saginaw bay, running west through the vicinity of the saline springs at Tittabawssa to Lake Michigan, for the purpose of constructing a road on said route.

Whereas there has been such progress made in the geological survey of our state, as will enable the state geologist to determine what lands will be needed in the manufacture of salt ; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed and our Representative in Congress be requested, to procure the passage of an act of Congress, authorizing the state legislature to sell so much of the lands reserved for the use of the salt springs as shall not be needed in the manufacture of salt, and of applying the proceeds of such sales to the improvement of said salt springs.

On motion of Mr. Bradford, the same was laid upon the table and ordered to be printed.

The President announced a communication from the Auditor General, in reply to a resolution heretofore passed, requesting information on the subject of the loan to the Detroit and Pontiac rail road company, which, on motion of Mr. Kingsley, was laid upon the table and ordered to be printed.

[See Senate Document No. 4.]

On motion of Mr. Bradford,

*Resolved*, That the committee on finance be instructed to en-

quire into the propriety of providing by further legislation for an equalization in assessment of the value of property in the townships of each county, for the purposes of taxation by the location throughout the state, in every county, of county assessors for each county, to be elected by the people of such counties, with leave to report by bill or otherwise.

On motion of Mr. Kingsley,

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That our Representative in Congress be requested and our Senators be instructed, to endeavor to procure an appropriation by Congress for the purpose of constructing a harbor at the mouth of North Black river, in this state.

On motion of Mr. Kercheval,

*Resolved,* That the Governor be requested to inform the Senate whether the loan of twenty thousand dollars, authorized by the act entitled "An act authorizing the building of the state penitentiary," approved 22d March, 1838, has been made, if so, of whom made, and on what terms.

Mr. Gordon, in pursuance of notice given, asked leave to introduce a bill for the organization of Barry county, which leave was granted. Whereupon the President appointed Messrs. Gordon, Hawkins and Etheridge a committee to report said bill, which having received two readings, was referred to the committee on towns and counties.

On motion of Mr. Bradford, the resolution in relation to Blois' Gazetteer was then called up for consideration, and passed.

Mr. Summers gave notice that he would on a future day ask leave to introduce a bill entitled "An act to repeal an act entitled an act to provide for the appointment of state printer and to prescribe his powers and duties," approved March 30, 1837.

On motion of Mr. Bradford,

*Resolved,* That a committee of three be appointed to inquire and report what appropriations are needed for the improvements of the several harbors within the state, and to prepare and report a memorial from the Legislature to Congress on the subject.

The President named as the committee, Messrs. Bradford, Wing and Harrington.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, informing the Senate that the House of Representatives had passed a joint resolution, appointing John Norton Jr., cashier of the Michigan State Bank, fiscal agent of the legislature ; which joint resolution being under consideration, was, on motion of Mr. Summers, laid on the table.

Mr. Harrington, in pursuance of notice previously given, asked leave to introduce a bill for the collection of debts against boats and vessels ; which leave being granted, the President announced Messrs. Harrington, Greenly and Bradford a committee to report said bill ; which bill being reported, and having passed the first and second readings, was referred to the committee of the whole and ordered to be printed.

On motion of Mr. Drake,

*Resolved*, That the committee on incorporations be instructed to inquire into the expediency of repealing so much of the laws as authorises and requires the appointment of bank commissioners.

The President announced a message from the Governor, on executive business.

On motion of Mr. Summers,

The vote on the resolution in relation to the 5,000,000 loan was then reconsidered, and the resolution laid upon the table.

On motion of Mr. Hawkins,

The joint resolution and the amendment offered by him in relation to the banks of Clinton and Washtenaw, were taken up for consideration.

The amendment being then under consideration, on motion of Mr. Bradford, was laid upon the table.

On motion of Mr. Drake,

*Resolved*, That a committee of three be appointed, whose duty it shall be to inquire into the nature and extent of the securities given by the several companies which have received moneys by reason of the sale of state bonds, and the extent, description and location of the real estate by such companies given as securities, and the amount of money received by each company, and when received ; and to report to the Senate at as early a day as practicable, the result of the inquiry.

The President announced as said committee, Messrs. Drake, Cook and Gidley.

On motion of Mr. Bradford,

The Senate then went into executive session.

The doors being opened, on motion of Mr. Summers,

*Resolved*, That John Norton Jr., fiscal agent of the legislature, be requested to report to the Senate the amount of money received by him for the use of the state, specifying the different kinds, whether gold, silver, eastern or Michigan money, and if Michigan money, on what banks; also, the amount now on hand belonging to the state, and what kinds, specifying each kind since January, eighteen hundred and thirty-eight, to eighteen hundred and thirty-nine; also what money he has paid out, and in what kinds, specifying each so far as in his power.

The President announced the following committee on harbors: Messrs. Bradford, Wing and Harrington.

On motion of Mr. Etheridge, the Senate then adjourned.

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### WEDNESDAY, JANUARY 16.

The Senate met and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent Messrs. Cook, Harrington and Woodbridge, who afterwards appeared and took their seats.

Mr. Kercheval presented the petition of directors of the Gibraltar and Flat Rock company for an increase of bank capital; referred to committee on internal improvement.

Mr. Gidley presented the petition of Simeon Harding and others for the organization of townships number one and two north, of range number three west; referred to committee on towns and counties.

Mr. Gordon, on behalf of the committee on the judiciary, reported a bill entitled "A bill to amend title second of the third part of the revised statutes;" also, a bill entitled "A bill to amend chapter two, title six, part two, of revised statutes;" which bills having received their first and second readings, were referred to the committee of the whole and ordered to be printed.

On motion of Mr. Wing,

*Resolved*, That a select committee of three be appointed to investigate the affairs of the River Raisin and Lake Erie railroad company, and ascertain the amount expended by said company in the purchase of land and construction of their road, and the amount of bills put in circulation by them, whether for the construction of said road or for other purposes :

*Resolved further*, That said committee be also instructed to inquire whether false representations were not made by said company, or some one or more of them, to the legislature, at the time their charter became a law, with a view to conceal the real objects of those interested and instrumental in procuring the passage of said law.

*Resolved also*, That said committee be instructed to inquire whether said charter was not procured by fraudulent collusion with some one or more of the members of the legislature at the time it so became a law.

*And be it further resolved*, That with a view the more certainly to accomplish the object of the foregoing resolutions, the said committee be empowered to send for persons and papers, and that they report the result of their investigations with all convenient speed.

The President announced the committee in pursuance of the above resolutions, Messrs. Wing, Kercheval and Gordon.

On motion of Mr. Summers,

*Resolved*, That the committee on incorporations be instructed to inquire into the expediency of requiring by law, that the expenses of printing incurred by reason of the application of any individual or individuals for acts of incorporations, shall be paid by such individual or individuals to whom acts of incorporations may be granted, and that they report by bill or otherwise.

On motion of Mr. Bradford,

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Attorney General of the State be requested to inquire and to furnish to this Legislature his opinion as to the corporate existence of an institution purporting to be the Farmers' and Merchants' bank of St. Joseph at Centerville, whether such institution is amenable to the provisions of the gene-



ral banking law of the state, and whether any further legislation, and what further legislation is needed to effect a proper remedy to the bill holders and creditors of said institution.

On motion of Mr. Harrington,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of the act entitled "An act for the apportionment of the members of the House of Representatives of this State, and for the arrangement of the Senate districts," as fixes the time for making the returns in the fourth Senate district.

On motion of Mr. Summers, the joint resolution in relation to the state loan of five millions of dollars, was then taken up for consideration and referred to the committee on finance, who reported the same back. Mr. Kercheval moved to adopt the report, on which Mr. Woodbridge asked for the yeas and nays, which resulted as follows :

#### YEAS.

Mr. Bradford.	Mr. Gordon,	Mr. Kingsley,
Mr. Cook,	Mr. Greenly,	Mr. McCamly,
Mr. Drake,	Mr. Harrington,	Mr. Summers,
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,

15

#### NAYS.

Mr. Curtis,	Mr. Woodbridge,	2
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Whereupon the report was accepted and the committee discharged from further consideration of the subject. The joint resolution, as reported, was then taken up for consideration, and passed.

On motion of Mr. Kercheval the senate then went into committee of the whole, Mr. Curtis in the chair, on the bill "to provide for the appointment of circuit attorneys, and to define their duties."

After a time the committee rose, and through their chairman reported progress, and asked leave to sit again, which leave was granted.

The President announced a message from the Governor on executive business.

On motion of Mr. Kingsley, the senate adjourned.

## THURSDAY, JANUARY 17.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, Mr. Bradford was absent, but afterwards appeared and took his seat.

Mr. Gidley presented the petition of James Barber and others, for the alteration of the state road, &c., which was referred to committee on roads and bridges.

Mr. McCamly presented the petition of Parley P. Shumway and others, for the sale of certain real estate, which was referred to committee on judiciary; also, the petition of James W. Hickox and others, for organization of township number one north, of range number five west; referred to the committee on towns and counties.

Mr. Drake presented the petition of D. Brown and others, in relation to the bounty on wolves; referred to committee on claims.

Mr. Wing, on behalf of committee on judiciary, reported "A bill to amend part third, title first, chapter third of the revised statutes," which having received its first and second readings, was, on motion of Mr. Hawkins, ordered to be engrossed for a third reading; when, on motion of Mr. Kingsley, the rules were suspended.

Whereupon the bill was read a third time and passed.

Mr. Bradford, on behalf of the select committee on abolishment of imprisonment for debt, offered a report thereon, accompanied by an act entitled "An act to abolish imprisonment for debt," which were separately considered. The bill having received its first and second readings, was referred to committee of the whole and ordered to be printed.

On motion of Mr. Etheridge,

The report of the select committee was laid on the table and ordered to be printed.

The President announced a communication from the Governor (together with a statement from the state treasurer) in relation to "the moneys received on account of the loan for the creation of a state's prison," which was referred to the committee on penitentiary.

Mr. Woodbridge presented the petition of Alexander D. Fraser and others, to increase the number of masters in chancery, which was referred to committee on judiciary.

Mr. Summers, in pursuance of previous notice, asked and obtained leave to introduce "A bill to repeal an act entitled an act to provide for the appointment of a state printer, and to prescribe his powers and duties," which bill having received its first and second readings, was, on motion of Mr. Kercheval, referred to the committee on printing.

Mr. Cook, gave notice that on some future day he would ask leave to bring in a bill for the organization of certain townships, and for other purposes.

The senate then went into committee of the whole, Mr. Curtis in the chair, on "the bill to provide for the appointment of circuit attorneys," &c.

After a time, the committee rose and through their chairman reported progress, and obtained leave to sit again.

On motion of Mr. Bradford, the Senate adjourned.

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### FRIDAY, JANUARY 18.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, Mr. Woodbridge was absent, but afterwards appeared and took his seat.

The President announced a message from the Executive by Mr. Jackson, his private secretary, in the following words:

EXECUTIVE DEPARTMENT,  
*Detroit, January 17, 1839.* }

*To the Senate:*

I transmit to the Senate a report of John Mullett, commissioner under a joint resolution of the legislature of one thousand eight hundred and thirty-eight, relative to the relocation of state lands on the Grand river.

S. T. MASON:

On motion of Mr. Kercheval, the report of John Mullett was read, and referred to the committee on literature.

The President announced a message from the House of Representatives by their clerk, Mr. Roberts, returning the joint resolution in relation to Blois' Gazetteer, with an amendment thereto passed by the House and submitted for the concurrence of the Senate. The concurrence of the Senate was likewise asked in certain bills passed by the House of Representatives, and transmitted therewith, to wit: "A bill making appropriations for the state salt springs," and "A bill to authorize the county commissioners of Wayne county to perform certain duties therein mentioned."

The Senate proceeded to consider the amendment to the joint resolution in relation to Blois' Gazetteer, submitted by the House of Representatives, and refused to concur therein.

The bill "making appropriations for the state salt springs," and the bill "to authorize the county commissioners of Wayne county," &c. were then, on motion of Mr. Kercheval, read twice and committed to committee of the whole.

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of making provision by law touching the presenting and demanding of payment of bills and notes, at the times and places at which the same are made payable, and report by bill or otherwise.

The President announced a report from the Bank Commissioners, which, on motion of Mr. Kingsley, was, with accompanying documents, laid on the table and ordered to be printed.

(See Senate Document No. 8.)

On motion of Mr. Kercheval, the Senate went into committee of the whole on the "bill to authorize the county commissioners of Wayne county," &c. Mr. Etheridge in the chair; and after a time the committee rose, and through their chairman reported the same back, without amendment, and on motion of Mr. Kercheval, said bill was referred to the committee on state affairs.

The Senate then went into committee of the whole, Mr. Curtis in the chair, on the "bill to provide for the appointment of circuit attorneys," &c. After a time spent thereon, the committee rose, and through their chairman, reported the same back, and were discharged from further consideration of the subject.

On motion of Mr. Hawkins,

The Senate granted leave of absence to Mr. Gordon for ten days.

On motion of Mr. Summers,

The Senate adjourned to Monday next.

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### MONDAY, JANUARY 21.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent, on leave, Messrs. Cook, Gordon and Hawkins.

Mr. Etheridge presented the petition of Robert Cassiday and others, in relation to the state locations on the Niles reserve; which was referred to committee on literature.

Mr. Kercheval presented the memorial of the president and directors of the Farmers' and Mechanics' bank, for relief, which was referred to the committee on finance.

Mr. Greenly presented the petition of R. W. Ingalls, praying compensation for printing orders of Adjutant General, which was referred to committee on claims.

Mr. Bradford presented the claim of D. V. Bell, for services in appraising state lands near Niles, which was referred to the committee on claims.

Mr. Wing presented the petition of the mayor and aldermen of the city of Monroe, for certain amendments to their charter, which was referred to the committee on the judiciary.

Mr. McCamly presented the petition of inhabitants of the town of Cady, in Calhoun county, for an alteration in the name of their town, which was referred to the committee on towns and counties.

Mr. McCamly presented the petition from citizens of Calhoun county, for improving the St. Joseph river, which was referred to the committee on internal improvement.

Mr. Gidley presented the petition of Giles B. Kellogg and others, for authority to convey certain lands, which was referred to the committee on the judiciary.

The Senate, on motion of Mr. Kingsley, granted Mr. Hawkins leave of absence for two days.

The Senate, on motion of Mr. Harrington, granted Mr. Cook leave of absence for one day.

The President announced a communication from John Norton, jr. late fiscal agent, in reply to the resolution heretofore passed, which, on motion of Mr. Kercheval, was referred to the committee on finance.

The President announced a communication from the State Librarian, which, having been read, was, on motion of Mr. Kingsley, referred to the committee on the library.

The President announced two messages from the House of Representatives, by their clerk, Mr. Roberts, in the following words :

HOUSE OF REPRESENTATIVES, }  
January 18, 1839. }

*To the President of the Senate :*

Sir: I am instructed by the House of Representatives to return to the Senate the joint resolution entitled " A resolution to request the Attorney General of the state to inquire into the corporate existence of the Farmers' and Merchants' bank of St. Joseph," with an amendment, in which the concurrence of the Senate is respectfully asked.

Also, to inform the Senate that the House of Representatives have passed a joint resolution entitled, " A joint resolution relative to the salary of the United States district judge ;" also a bill entitled " A bill to legalize the official acts of the assessors of the township of Antrim," and the concurrence of the Senate is respectfully asked.

HOUSE OF REPRESENTATIVES, }  
January 21, 1839. }

*To the President of the Senate :*

Sir: I am instructed by the House of Representatives to inform the Senate that they have passed " A bill to provide for the assessment and collection of taxes for the year one thousand eight hundred and thirty-eight, and for other purposes," and " A bill authorizing the county commissioners of the county of Wayne to dispose of their present county poor-house, and for other

purposes," and respectfully ask the concurrence of the Senate therein.

On motion of Mr. Woodbridge, the resolution in relation to the Farmers' and Merchants' bank of St. Joseph, as amended and returned by the House, was laid on the table.

The joint resolution on raising the salary of the United States judge, was not concurred in.

The bill to legalize the official acts of the assessors of the township of Antrim, was, on motion of Mr. Greenly, read the first and second times and referred to the committee of the whole.

On motion of Mr. Bradford, five hundred copies of the bank commissioners report were ordered to be printed.

Mr. Bradford moved that five hundred copies of the report of the Superintendent of Public Instruction be printed.

Mr. Drake moved to amend by inserting the words "one thousand," which amendment was agreed to, and the motion as amended was adopted.

On motion of Mr. Bradford,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our senators in congress be instructed and our representative be requested, to use their best influence to procure the passage of an act of congress directing a proper nautical survey of Lake Erie and the upper lakes.

The bill sent up from the House of Representatives, entitled "A bill to provide for the assessment and collection of taxes for the year one thousand eight hundred and thirty-eight, and for other purposes," was, on motion of Mr. Kercheval, read the first and second times, and referred to the committee on state affairs.

The bill sent up from the House, authorizing the county commissioners of the county of Wayne to dispose of their present county poor-house, &c. was, on motion of Mr. Woodbridge, read the first and second times, and referred to the committee on state affairs.

On motion of Mr. Woodbridge,

*Resolved,* That the committee on finance be instructed to inquire into the expediency of suspending for a limited time the geological survey of this state, with leave to report by bill or otherwise.

On motion of Mr. Greenly, the bill to appoint circuit attorneys was referred back to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, Mr. Greenly in the chair, on the bill sent up from the House of Representatives, making appropriations for the state salt springs, and after some time spent thereon, rose, reported the bill back, and asked leave to be discharged from the further consideration of the subject, which leave was granted, and the bill, on motion of Mr. Wing, was laid on the table.

The Senate then resolved itself into a committee of the whole, Mr. Kercheval in the chair, on the bill in relation to the collection of dues from boats and vessels, and after some time spent thereon, the committee rose, reported progress, and asked leave to sit again, which leave was not granted, and on motion of Mr. Harrington, the committee were discharged and the bill referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole Mr. Harrington in the chair, on the House bill in relation to the township of Antrim, and after some time spent thereon, the committee rose, reported the bill back, and asked leave to be discharged from the further consideration of the subject, which leave was granted, and said bill, (the rule having, on motion of Mr. Greenly, been suspended,) received a third reading and passed.

On motion of Mr. Drake,

*Resolved*, That John Norton, jr. Esq., cashier of the Michigan state bank, be requested to furnish the Senate with a statement shewing the amount of money remaining in that bank on the first day of January, one thousand eight hundred and thirty-nine, on deposits to the credit of the Treasurer of the state of Michigan.

On motion of Mr. Greenly, the Senate adjourned.

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## TUESDAY, JANUARY 22.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent, Messrs. Drake, Kercheval, McCamly and Summers, who afterwards appeared and took their seats.



Absent on leave, Messrs. Cook and Gordon.

The Senate, on motion of Mr. Harrington, granted leave of absence to Mr. Cook for one week.

Mr. Wing, on behalf of the committee on judiciary, reported "A bill to amend part one, title seven, chapter four of the revised statutes, which was read twice, referred to committee of the whole, and ordered to be printed.

Mr. Kercheval, on leave, presented the petition of Robert Abbott, praying the vacation of certain streets and public grounds in the village of Coldwater, which was referred to committee on towns and counties.

Mr. Wing, on behalf of committee on judiciary, to whom was referred a resolution instructing them to inquire "whether a certain resolution proposing certain amendments to the constitution of this state had been printed," &c., submitted a report in part, which was laid on the table.

Mr. Woodbridge submitted the following resolution, which, in pursuance of the rules, was laid on the table.

*Resolved*, That the rules and orders of proceedings of the Senate be so far altered as to require an additional standing committee to be appointed, to be called "the committee on unfinished business."

On motion of Mr. Drake,

*Resolved*, That his Excellency the Governor, be requested to furnish the Senate with a statement exhibiting the number of drafts by him drawn on the Morris canal and banking company, or upon any other company, person or persons, by whatsoever name they may be called or known, on account of the five million loan, setting forth particularly the time when such drafts were drawn, in whose favor, and for what amount.

Also, whether the drafts so drawn have been originally paid by the person or persons, or companies, on whom drawn, or sold by those in whose favor the drafts were drawn, and if sold, at what discount or premium, as the case may be, as far as his Excellency may be able.

On motion of Mr. Trowhidge,

*Resolved*, That the judiciary committee be instructed to inquire whether any and what alterations are necessary in the revised

statutes, title ten, chapter one, for the incorporation of religious societies.

Mr. McCamly, on leave, presented the claim of Marvin Preston, for services in appraising state lands near Niles, which was referred to the committee on claims.

On motion of Mr. Drake,

*Resolved*, That the judiciary committee be instructed to inquire whether any person is, by the existing laws, duly authorized to draw drafts on the Morris canal and banking company, or upon any other person in behalf of the state of Michigan, on account of the five million loan, and if no person be now duly authorized, the expediency of authorizing by law some person to do that duty.

On motion of Mr. Woodbridge,

*Resolved*, That the Auditor of this state be directed to report to the Senate the several amounts of defalcation heretofore charged, or properly chargeable to the several and respective counties of this state, detailing therein the times respectively when such amounts became severally due, and the cause or causes, if known, of such defalcations respectively.

On motion of Mr. Bradford, the bill reported for the abolishment of imprisonment for debt by the select committee thereon, was referred to the committee of the whole.

The President then announced the general orders of the day, whereupon,

The Senate went into committee of the whole, Mr. Gidley in the chair, on the bill to amend chapter three, title one of the revised statutes, and after a time spent thereon, they rose and through their chairman reported progress, and asked leave to sit again, which leave was granted.

The President announced a message from the Governor, by Mr. Jackson, his private secretary, on executive business, whereupon,

On motion of Mr. Bradford, the Senate went into executive session.

When the doors were opened, Mr. Drake offered the following resolution, which was laid on the table for one day.

*Resolved*, That a committee of three be appointed, whose duty it shall be to inquire whether the board of internal improvement

has loaned any moneys belonging to the state of Michigan, and if so, what amount, and to whom, on what security, and on what authority; also whether the acts of said board or any of those acting under the advice of the board, have had a tendency to promote or impair the public interest or service, and that said committee refer to any period of time since the first organization of said board. And for the purpose of attaining the object of inquiry, the committee have power to send for persons and papers.

Mr. Hawkins called up for consideration, the joint resolution for investigating the affairs of certain banks, when,

On motion of Mr. Greenly, the Senate adjourned.

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### WEDNESDAY, JANUARY 23.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent, Messrs. Drake and Gidley; absent on leave, Mr. Gordon; Mr. Gidley afterwards appeared and took his seat.

Mr. Cook presented the remonstrance of Jacob Anglemyre and others, against the alteration of the state road in the township of Parma, which was referred to committee on roads and bridges.

Mr. Cook presented the petition of Ely Curtis for an alteration in the assessment laws, which was referred to the committee on judiciary.

Mr. Kercheval presented the petition of Robert Abbott, asking compensation for certain services, which was referred to committee on claims.

Mr. Cook, on behalf of committee on claims, reported a bill for the relief of Calvin C. Parks, which was read twice, laid on the table, and ordered to be printed.

Mr. Cook, on behalf of the committee on claims, reported a bill authorizing a loan of a sum not exceeding one hundred thousand dollars, for the benefit of the St. Clair and Romeo railroad company, which was read twice, referred to committee of the whole, and ordered to be printed.

Mr. Woodbridge called up the resolution which he laid on the table yesterday, relating to the appointment of a standing committee on unfinished business, and said resolution was passed by the Senate.

Whereupon, the President announced Messrs. Woodbridge, Kingsley and Cook, as the standing committee in pursuance thereof.

On motion of Mr. Bradford,

*Resolved*, That the committee on the judiciary be directed to inquire into the expediency and propriety of repealing the second section of chapter nine, page six hundred and eighty, of the revised statutes, and of substituting therefor the following section, with leave to report by bill or otherwise.

*Justices' Fees in Criminal Cases.*

- 1 Sec. 2. For each oath, six cents.
- 2 For drawing up affidavit, thirteen cents.
- 3 For issuing warrant, nineteen cents.
- 4 For a bond or recognizance, thirteen cents.
- 5 For subpoena for each witness, six cents.
- 6 For commitment for further examination, thirteen cents.
- 7 For commitment for want of bail, nineteen cents.
- 8 For taking examination, thirteen cents per folio.
- 9 For returning copy of examination to county clerk, six cents per folio.
- 10 For return to county clerk, seventy-five cents.
- 11 For taking bail, twenty-five cents.
- 12 For judgment on examination, thirteen cents.

No justice shall be obliged to issue a warrant on any case for an assault and battery, unless the person making such complaint and requiring such warrant, shall pay therefor two shillings for oath and affidavit, and nineteen cents for the warrant, and the board of county commissioners shall not allow to any justice of the peace any account for any affidavit or warrant, on any complaint for an assault and battery : provided, however, that such fees shall not be demanded of any one applying in forma pauperis.

The joint resolution sent from the House of Representatives together with certain amendments thereto, in relation to investi-

gating the affairs of the Washtenaw and Clinton banks, was then taken up, when Mr. Bradford moved to lay the whole subject upon the table.

The yeas and nays being taken thereon, resulted as follows :

#### YEAS.

Mr. Bradford.	Mr. Curtis,	Mr. Harrington,	
Mr. Cook,	Mr. Etheridge,	Mr. McCamly,	6

#### NAYS.

Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,	
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge.	9

The motion having been decided in the negative, the original joint resolution was then passed.

Mr. Hawkins offered a resolution in the following words :

*Resolved*, That a committee of three be appointed to ascertain and report whether the Michigan state bank, the Bank of Michigan, the Detroit city bank, and the Farmers' and Mechanics' bank of Michigan, have honestly and faithfully complied with the requirements contained in the suspension act, and thereby preserved the immunities and franchises conferred by their charters, or whether they have violated their said charters in any essential particular, and also, to inquire whether any of the officers of those institutions have been concerned in getting up fraudulent banking institutions in this state, and report by bill or otherwise, and that they have power to send for persons and papers.

The resolution was laid upon the table.

On motion of Mr. Greenly,

*Resolved*, That the committee on judiciary be instructed to inquire into the expediency of repealing so much of the third part of section first of chapter ten, title second, part fourth of the revised statutes, as authorizes the use of the county jails of this state for the imprisonment of debtors on judgments rendered in the United States courts for the district of Michigan, and report by bill or otherwise.

On motion of Mr. Etheridge,

*Resolved*, That the committee on incorporations be instructed to inquire whether the existing laws are sufficient to guard the

public against fraudulent transactions of banking institutions, and of the officers who have the management of banks, and that said committee be instructed to report by bill or otherwise.

The resolution submitted by Mr. Drake yesterday, in relation to investigating loans made by commissioners of internal improvement, was then taken up and passed.

The Senate, on motion of Mr. Trowbridge, granted Mr. Drake leave of absence for one week.

The President announced the following as the joint committee on the part of the Senate, in pursuance of the joint resolution in relation to Washtenaw and Clinton banks, viz: Messrs. Kercheval and Gidley.

On motion of Mr. Bradford, the Senate adjourned.

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#### THURSDAY, JANUARY 24.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Duffield.

The roll being called, there were absent Messrs. Curtis and Summers, who afterwards appeared and took their seats; absent on leave, Messrs. Drake and Gordon.

The President announced the following select committee on Mr. Drake's resolution, viz: Messrs. Drake, Greenly and Harrington.

Mr. Harrington, on behalf of the committee on printing, to whom was referred "the expediency of repealing the act creating the office of state printer," submitted a report, which was read, laid on the table and ordered to be printed.

[See Senate Document No. 10.]

The President announced a message from the Governor, by Mr. Jackson, his private secretary, giving certain information in relation to drafts drawn on account of the five million state loan, in compliance with a resolution heretofore passed; which was referred to the committee on finance.

A communication was presented from John Norton, Jr., in compliance with a resolution heretofore passed, giving certain information in relation to the affairs of the Michigan State Bank; which was referred to the committee on finance.

A communication was presented from the State Treasurer, in compliance with the resolution heretofore passed, stating the present condition of the treasury ; which was referred to committee on finance.

[See Senate Document No. 2.]

A communication was presented from the Auditor General, in compliance with a resolution heretofore passed, giving information of tax defalcations in the respective counties, which was referred to committee on state affairs.

The President announced a message from the House of Representatives in the following words :

HOUSE OF REPRESENTATIVES, }  
Tuesday, January 22, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to return to the Senate the resolution in relation to Blois' Gazetteer, as amended by the House, with the non-concurrence of the Senate, and inform the Senate that the House insist upon their amendment.

E. J. ROBERTS, *Clerk.*

On motion of Mr. Kingsley, the Senate concurred in the amendment insisted on by the House.

On motion of Mr. Kingsley,

*Resolved*, That the committee on judiciary be instructed to inquire into the expediency of making provision by law for the draining of marshes owned by different persons.

Mr. Bradford then called up the bill making appropriations for state salt springs, when Mr. Summers moved to refer the same to the committee on state affairs, which was decided in the negative by yeas and nays, as follows :

#### YEAS.

Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge, 6

#### NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Etheridge,	Mr. Kingsley,	8

Mr. Summers then moved to lay said bill on the table, which was decided in the negative by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	9

On motion of Mr. Kercheval, said bill was then laid on the table, and made the special order of the day for to-morrow.

The Senate then went into committee of the whole, Mr. Gidley in the chair, on the "bill to amend chapter three, title one, part three of the revised statutes," and after a time spent thereon, the committee rose and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Summers offered the following resolution :

*Resolved*, That the State Geologist be directed to report to the Senate a statement of all expenditures incurred, or sanctioned by him, (in relation to boring for salt,) as such geologist, during the year ending on the first day of January instant, and that, if practicable, such statement be reported to-morrow, the 25th of January, 1839; which,

On motion of Mr. Wing, was amended by inserting after the words "by him," the words "in relation to boring for salt," and the resolution as amended was then adopted.

Mr. Greenly moved to adjourn to two o'clock this afternoon, which motion was lost.

Mr. Summers moved to call up the resolution in relation to banks, when,

On motion of Mr. Bradford, the Senate adjourned.

## FRIDAY, JANUARY 25.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Duffield.

The roll being called, Mr. Gidley was absent, Messrs. Drake and Gordon were absent on leave.

Mr. M'Camly presented the petition of Isaac E. Crary for au-



thority to sell real estate of Ezra Convis, deceased ; which was referred to committee on judiciary.

Mr. Kercheval presented the communication from Benjamin Porter, acting commissioner of the penitentiary, "showing a detailed account of work to be accomplished during the year eighteen hundred and thirty-nine ;" which was referred to committee on penitentiary.

Mr. Wing presented the petition of John Mulhollen and others, praying an extension of time for the collection of taxes, which was referred to committee on state affairs.

Mr. Kingsley, on behalf of committee on internal improvement, to whom was referred a petition of the directors of the Gibraltar and Flat Rock company for an increase of capital, and likewise for a loan of money from the state, reported "A bill to increase the capital stock of said company to one million of dollars, but against the expediency of the state's loaning said company state stock to carry on their operations." Said report was laid on the table, and the bill ordered to be printed.

The President announced a communication from the State Geologist, in compliance with the resolution passed yesterday, giving certain information in relation "to expenditures incurred in boring for salt," which was laid on the table.

On motion of Mr. Woodbridge,

The Senate granted the door keeper leave of absence for one week.

On motion of Mr. Hawkins,

The Senate granted Mr. Gidley leave of absence for one week.

On motion of Mr. Kercheval,

The Senate granted Mr. Curtis and Mr. Wing leave of absence until Monday next.

Mr. Hawkins called up the resolution in relation to investigating affairs of certain banks, submitted by him on the 23d inst., and laid on the table, and having withdrawn the same, submitted the following substitute therefor:

Whereas, it appears from the Treasurer's report of this state that there is now in deposit in the Michigan State bank, belonging to the different funds of the state, the sum of seven hundred and eighty thousand dollars on the thirty-first December, eighteen hundred and thirty-eight:

And whereas there is now before the House of Representatives

of this state, petitions for relief for drafts given by the Treasurer of this state, upon the said bank, on account of the non-payment of said drafts at maturity,

*Be it resolved by the Senate,* That a committee of three be appointed to investigate the condition of said bank, and whether the same is a safe depository for the funds of this state, also to inquire whether said bank has in any manner been guilty of any infractions of its charter, and has, in all things, complied with the requirements of the suspension act, passed in June, eighteen hundred and thirty-seven, and in order fully to investigate the same, the said committee have full power to send for persons and papers.

The resolution was laid upon the table.

On motion of Mr. Wing,

The rules were suspended, and the House bill making appropriations for state salt springs, was called up for consideration, whereupon, he offered the following amendment thereto.

Section 4. The act relative to the geological survey of the state, (approved March twenty-second, eighteen hundred and thirty-eight,) is hereby suspended, and all appropriations under said act are discontinued for two years.

The question having been taken thereon, was decided in the negative, by yeas and nays, as follows :

#### YEAS.

Mr. Hawkins,  
Mr. Summers,

Mr. Trowbridge.

Mr. Woodbridge,

4

#### NAYS.

Mr. Bradford,  
Mr. Cook,  
Mr. Curtis,  
Mr. Etheridge,

Mr. Greenly,  
Mr. Harrington,  
Mr. Kercheval,

Mr. Kingsley,  
Mr. M'Camly,  
Mr. Wing,

10

Mr. Summers then offered the following proviso to said bill :

Add to section two,

"Provided that the compensation to be awarded to the Superintendent shall not exceed the sum of one thousand dollars per annum."

The question having been taken thereon, was decided in the negative, by yeas and nays, as follows :

## YEAS.

Mr. Hawkins,	Mr. Trowbridge,	Mr. Woodbridge,	4
Mr. Summers,			

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	10
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,			

Mr. Hawkins then offered the following amendment to said bill.

That the act defining the powers and duties of the State Geologist be, and the same is hereby repealed, except so far as is necessary to carry out this act of appropriation.

Whereupon, (the previous question having been called thereon by Mr. Kercheval,) the amendment was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Hawkins,	Mr. Trowbridge,	Mr. Woodbridge,	4
Mr. Summers.			

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	10
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,			

Mr. Bradford then called for the previous question on the final passage of the bill : whereupon the House bill making appropriations for state salt springs, received its third reading and passed the Senate, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	10
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Etheridge,			

## NAYS:

Mr. Hawkins,  
Mr. Summers,

Mr. Trowbridge,

Mr. Woodbridge,

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The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words:

HOUSE OF REPRESENTATIVES, }  
Thursday, January 24th, 1839. }

*To the President of the Senate,*

Sir:—I am instructed by the House of Representatives, to inform the Senate they have passed the following entitled bills, and respectfully ask their concurrence therein:

“A bill to amend an act incorporating the village of Kalamazoo.”

“A bill to extend the time for receiving the annual reports from certain school districts.”

“A bill to amend the act to incorporate the village of Niles, and the acts amendatory thereto.”

“A bill for the payment of the expenses of the Regents of the university, in certain cases.”

Also to inform the Senate that Messrs. Renwick, Chapin and Adam have been appointed the committee on the part of the House of Representatives, on the joint “resolution to investigate the affairs of the Washtenaw and Clinton banks.”

E. J. ROBERTS, *Clerk.*

The “bill to amend an act incorporating the village of Kalamazoo,” was read twice, and referred to committee on incorporations.

The “bill to extend the time for receiving the annual reports from certain school districts,” was read twice, and referred to committee on literature.

The “bill to amend the act to incorporate the village of Niles, &c.,” was read twice, and referred to committee on incorporations.

The “bill for the payment of the expenses of the board of Regents of the university, in certain cases,” was read twice, and referred to committee on literature.

Mr. Bradford then called up the joint resolution in relation to Farmers’ and Merchants’ Bank of St. Joseph, amended and re-

turned by the House of Representatives, and the Senate refused to concur in said amendments.

The Senate then went into committee of the whole, Mr. Hawkins in the chair, on the "bill to amend chapter two, title six, part two, revised statutes;" and after a time spent therein, the committee rose, and through their chairman, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Etheridge,

The Senate adjourned.

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### SATURDAY, JANUARY 26.

The Senate met, and was called to order by the President.

Prayer by Rev. Mr. Duffield.

The roll being called, all the Senators were in their places except Messrs. Curtis, Drake, Gidley, Gordon and Wing, absent on leave.

Mr. Hawkins presented the petition of J. P. Weeks and other citizens of Washtenaw county, praying the Senate to pass certain resolutions.

Mr. Kingsley moved to refer the same to the committee on state affairs, whereupon Mr. Etheridge moved to lay said petition on the table, and the Senate being equally divided on the question, the motion was lost by the casting vote of the President.

Mr. Kingsley then renewing his previous motion, the petition was referred to the committee on state affairs.

Mr. McCamly presented the petition of S. V. R. York and others, for the organization of Barry county, which was referred to the committee on towns and counties.

Mr. Woodbridge, on behalf of the committee on state affairs, to whom was referred the House bill "authorizing the county commissioners of Wayne county to dispose of their present county poor house," &c., reported said bill with an amendment. The committee further asked "leave to retain for further consideration the power of reporting to the Senate at some future time by bill, some more general provision for the purchase and establishment of one or more similar institutions within and for the

state, for the more convenient relief of paupers within the state, and for the advancement therein of the interests of agriculture.

The leave asked by the committee, was granted by the senate, and the bill, as amended, received its third reading and passed.

Mr. Woodbridge, on behalf of the committee on state affairs, to whom the same had been referred, also reported the House bill "to authorize the county commissioners of Wayne county to perform certain duties therein mentioned," together with certain amendments, which were agreed to, and the bill as amended was read a third time and passed.

Mr. Greenly, on behalf of the committee on literature, to whom had been referred the House bill "to extend the time for receiving the annual reports from certain school districts," reported the same back without amendment.

Also, the House bill "for the payment of the expenses of the regents of the university in certain cases," together with an amendment, striking out the second section of said bill.

The bill "to extend the time for receiving reports," &c., was then read a third time and passed.

Mr. Summers offered as further amendment to the bill "for the payment of the expenses of the regents of the university," that "their weekly expenses shall not exceed ten dollars per week," but withdrew the same, and Mr. Etheridge offered the following:

Provided that said pay shall not exceed        dollars for every twenty miles travel to and from the place of holding their meeting, and        dollars for each day actually spent at the sessions of said board.

On motion of Mr. Kingsley,

The bill was then laid upon the table.

On motion of Mr. Etheridge,

The vote was reconsidered.

Mr. Summers moved to fill the blanks in the above proviso with one dollar and fifty cents, which motion was lost; and the blanks were then, on motion of Mr. Hawkins, filled with "two dollars"; and the Senate, having stricken out the second section, passed the said bill, as amended.

The president announced a communication from the Governor, in pursuance of a resolution heretofore passed, giving "a state-

ment of expenses incurred in negotiating the state loan," which was read and referred to the committee appointed to investigate, &c.

On motion of Mr. Kingsley,

The resolution submitted yesterday by Mr. Hawkins, in relation to the Michigan state bank, was then taken up, when

Mr. Bradford offered the following amendment:

*Resolved*, That the committee on incorporations be directed to inquire into the amount of money belonging to the state, at present in deposit in the State Bank of Michigan, to the credit of the state, on what terms the same may be deposited, and the general situation and circumstances of such deposit, with leave to report by bill or otherwise, and with power to send for persons and papers.

Mr. Summers moved to lay the amendment on the table, which motion was lost, by yeas and nays, as follows :

#### YEAS.

Mr. Hawkins,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Summers,			4

#### NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,	
Mr. Etheridge,	Mr. Kercheval,		8

Mr. Hawkins then withdrew the resolution offered by him, and Mr. Bradford offered his amendment as a resolution, which Mr. Hawkins moved to lay upon the table, which motion was lost, by yeas and nays, as follows :

#### YEAS.

Mr. Hawkins,	Mr. Trowbridge,	Mr. Woodbridge,	3
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#### NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Summers,	9

The resolution was then passed, by yeas and nays, as follows:

#### YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,

Mr. Etheridge,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		11

## NAYS.

Mr. Hawkins,	1
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Mr. Summers laid the following joint resolution on the table :

*Be it resolved by the Senate and House of Representatives of the State of Michigan,* That all further proceedings under the laws now in force, concerning a geological survey of this state, so far as practicable, without present pecuniary loss to this state, be suspended, until the further order of this Legislature.

On motion of Mr. Kercheval,

The Senate adjourned.

## MONDAY, JANUARY 28.

The Senate met, and was called to order by the President.

Prayer by Rt. Rev. Bishop McCoskry.

The roll being called, all the senators were in their places except Messrs. Cook, Curtis, Drake, Gidley, Gordon and Wing, absent on leave.

Mr. Kingsley presented the petition of Phoebe P. Brown, of Washtenaw county, for indemnification, which was referred to the committee on claims.

The Senate, on motion of Mr. Kercheval, granted leave of absence one day longer to Mr. Curtis and Mr. Wing.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words :

HOUSE OF REPRESENTATIVES, }  
January 25th, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate “the bill to amend part third, title first, chapter third of the revised statutes,” with amendments thereto, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS, *Clerk.*

And the Senate did concur in the amendments to said bill, by the House, and ordered the same to be engrossed.

On motion of Mr. Hawkins,



*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law establishing the courts of probate in the several counties in this state, as to make it a misdemeanor for any judge of probate to receive money, as such judge, and refuse to pay the same over on demand to the person having the lawful right to the same; also, requiring the judges of probate in the different counties to give bonds in the sum of thousand dollars, to answer any person aggrieved by retaining money so received and not paid over, and for any other official misconduct; and upon due conviction before the circuit court of said county, (before a jury if demanded by said judge,) his office shall be declared vacant, and the said court shall have power to order a new election to fill said vacancy, by giving the usual notice.

Mr. Hawkins gave notice that at some future day he would ask leave to introduce a bill to provide the mode for settling claims for the flowing of land by the erection of mills on the different rivers, creeks, &c., in this state.

On motion of Mr. Greenly,

*Resolved*, That the committee on the judiciary be instructed to inquire whether any, and what alterations are necessary in the act in relation to justices' courts; and that they have leave to report by bill or otherwise.

On motion of Mr. Bradford, the Senate then went into committee of the whole, Mr. Kingsley in the chair, on the bill to abolish imprisonment for debt, and after a time spent thereon the committee rose and through their chairman reported progress, and asked and obtained leave to sit again.

On motion of Mr. Harrington, the senate then went into committee of the whole, Mr. McCamly in the chair, on the bill to amend title two, part three, revised statutes, and after a time spent thereon the committee rose and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Summers submitted the following joint resolution:

Whereas the east part of the Clinton and Kalamazoo canal is now under contract, partially constructed, and is expected to be finished ready for navigation in the course of the ensuing summer or fall; and whereas without the appropriation hereinafter mentioned, it is believed that great and serious injury will result to

the interests of this state, as well as to the interests of commerce and navigation in general, for want of a light-house and the necessary improvements at the mouth of the Clinton river, which is the port of entry for, and the natural point of communication with said canal by means of said river : Therefore,

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That our Senators in Congress be instructed, and our Representative be requested, to use their utmost endeavors to obtain from the Congress of the United States, at the present session of that body, an appropriation of thirty thousand dollars, for the purpose of erecting a light house at the mouth of the Clinton river, on the north side thereof, at Belvidere, Macomb county, Michigan, and of building a pier, and otherwise improving the harbor at said place.

Mr. Etheridge moved to lay the same on the table, which motion was lost, and thereupon the joint resolution was adopted.

Mr. Summers offered the following resolution :

*Resolved,* That the president of the State Bank be requested to furnish the Senate with a detailed statement of the amount furnished to public officers, naming them, specifying the amount to each, and by what authority and upon what security ; also, the amount advanced to contractors and others, naming them, and upon what authority, the amount to each, and upon what security.

Mr. Bradford moved to lay the same on the table, which motion was lost, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. McCamly,
Mr. Etheridge,		

4

#### NAYS.

Mr. Greenly,	Mr. Hawkins,	Mr. Summers,
Mr. Harrington,	Mr. Kingsley,	Mr. Trowbridge,

6

After some explanation, the motion to lay said resolution on the table was renewed and was agreed to.

The President announced two messages from the Governor, by Mr. Porter, one on executive business, the other in the following words :

*To the Honorable the Senate of the State of Michigan :*

I have this day approved and filed in the office of the Secre-

tary of State, an act entitled "An act making appropriation for the improvement of the salt springs."

S. T. MASON.

*Detroit, January 28th, 1839.*

On motion of Mr. Hawkins, the Senate went into executive session, and when the doors were opened,

On motion of Mr. Hawkins, the Senate adjourned.

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## TUESDAY, JANUARY 29.

The Senate met, and was called to order by the President.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll having been called, there were absent, Messrs. Cook and Summers, who afterwards appeared and took their seats.

Messrs. Drake and Gidley absent on leave.

Mr. Hawkins, on behalf of the committee on incorporations, reported back the House "bill to amend an act incorporating the village of Kalamazoo," without amendment; also the House "Bill to amend the act to incorporate the village of Niles," &c. with certain amendments.

The bill in relation to Kalamazoo, was, on motion of Mr. McCamly, ordered to a third reading.

The bill in relation to Niles, was, on motion of Mr. Bradford, laid on the table.

Mr. Hawkins, on behalf of the committee on incorporations, to whom had been referred the resolution instructing them to inquire into the expediency of requiring all individuals applying for acts of incorporation to pay all printing expenses incurred by the legislature in the process of enactment, offered a report thereon, which report was laid on the table and the committee discharged from further consideration of the subject.

Mr. Gordon presented the petition of Susan Batty for authority to sell certain real estate, which was referred to the committee on the judiciary.

Mr. Kingsley gave notice that at some future day, he should ask leave to introduce a bill to establish a state bank.

The House "bill to amend an act incorporating the village of Kalamazoo," received its third reading and passed the Senate.

On motion of Mr. Hawkins, the resolution offered by Mr. Summers and laid on the table yesterday, for requesting the president of the State bank to furnish the Senate with a detailed statement of the amount furnished to public officers," &c. was taken up, to which Mr. Harrington offered the following amendment :

Strike out all after the words "public officers," and insert as follows : " cut of the funds belonging to the state during the years eighteen hundred and thirty-seven and thirty-eight, naming the officers to whom advances have been made, and specifying the amount to each."

Mr. Hawkins moved to erase therefrom the words "out of the funds belonging to the state ;" the question being taken, it was decided in the negative, by yeas and nays, as follows :

## YEAS.

Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,	3
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	12

The question was then taken on the amendment offered by Mr. Harrington, to the original resolution, and it was adopted, by yeas and nays as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,			10

## NAYS.

Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

Mr. Kercheval then offered the following amendment :

That the committee on incorporations be, and they are hereby invested with such further power as they deem necessary in their investigation of the affairs of the Michigan state bank, as to as-

certain and get at all the facts in relation to loans made to public officers of this state, and include the same in their report under the resolution in relation to the said bank, proposed on Saturday the twenty-sixth instant, also to report whether they consider the said bank a safe depository or not for the public moneys ; also, they have the power to inquire what kind of funds have been paid out to contractors and to public officers during said period.

Whereupon, Mr. Wing moved that the whole subject be laid on the table, which was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing.	
Mr. Etheridge,			10

## NAYS.

Mr. Gordon,	Mr. Summers.	Mr. Woodbridge.	
Mr. Hawkins,	Mr. Trowbridge,		5

Mr. Hawkins called up the bill to amend part three, title one, chapter three, revised statutes ; whereupon, on motion of Mr. Woodbridge, the Senate agreed to reconsider the vote given yesterday, so far as to allow him to offer the following amendment :

Amend the amendment of the House of Representatives, by adding, " and in the county of Wayne on the fourth Tuesday of August."

Which was adopted, and the House amendment as amended, then passed.

On motion of Mr. Wing, the Senate agreed to reconsider the vote of yesterday, given, so as to allow him to introduce the following amendment : " change y, in ' county' into ies, and insert Monroe after Washtenaw ;" which amendment having been agreed to, the House amendment as amended, passed.

On motion of Mr. Bradford, the Senate so far agreed to reconsider their vote on the House amendments to said bill as to allow the following to be offered by Mr. Wing : " Provided, nevertheless, that the provisions of this act shall take effect from and after its passage."

The amendment was agreed to, and the House amendment as amended, was then passed.

The President announced a message from the Governor, by Mr. Jackson, his private secretary, in the following words :

EXECUTIVE DEPARTMENT, }  
January 28, 1839.

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State, the following act, viz: "An act to legalize the official acts of the assessors of the township of Antrim."

STEVENS T. MASON.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words :

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to inform the Senate, that the House have receded from their amendment to the joint resolution relative to the Farmers' and Merchants' bank of St. Joseph ; also, that the House have concurred in the amendments of the Senate to the "bill authorizing the county commissioners of the county of Wayne, to dispose of their present county poor-house, and for other purposes ;" also, to the amendments of the Senate to the "bill to authorize the county commissioners of Wayne county to perform certain duties therein mentioned ;" also, that the House have concurred in the amendment to the first section of the "bill for the payment of the expenses of the regents of the university in certain cases," and refused their concurrence to the second amendment, and instructed me to return the same to the Senate. I am also instructed to inform the Senate, that the House have passed "A bill authorizing an assessment to be made in a certain school district in the township of Plymouth, in the county of Wayne," and respectfully ask the concurrence of the Senate therein ; also, to transmit to the Senate "a resolution relative to the bank of Washtenaw and Clinton," "a resolution relative to the superintendent of the harbor at St. Joseph," "a resolution relative to imprisonment for debt," and "a resolution concerning a steam revenue cutter," as severally

passed the House, and respectfully ask the concurrence of the Senate therein ; also, " a memorial and resolutions on the subject of harbors," and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate concurred in the House " resolution relative to the banks of Washtenaw and Clinton " and the President announced Mr. Curtis, as the additional committee (on the part of the Senate,) in pursuance thereof.

On motion of Mr. Gordon, the Senate adjourned.

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### WEDNESDAY, JANUARY 30.

The Senate met, and was called to order by the President.

Prayer by the Right Rev. Bishop McCoskry.

The roll being called, there were absent, Messrs. Cook, McCamly, Summers and Woodbridge, who afterwards appeared and took their seats. Messrs. Drake and Gidley absent on leave.

Mr. Gordon, on behalf of the committee on the judiciary, reported " A bill to amend chapter five, title one, part three, revised statutes," which was read twice, referred to the committee of the whole and ordered to be printed.

Mr. Harrington, on behalf of the committee on the judiciary, to whom was referred the petition of Alex. D. Frazer and others, to increase the number of masters in chancery in Wayne county, reported " A bill to amend section twenty-four, chapter six, title one, part third, revised statutes," which was read twice, referred to the committee of the whole and ordered to be printed.

Mr. Cook presented the petition of inhabitants of Oakland county, for the incorporation of the Ore Creek and Detroit canal company, which was referred to the committee on internal improvement.

Mr. McCamly presented the petition of inhabitants of town one south, of range nine west, for separate organization, which was referred to the committee on towns and counties.

The Senate took up the "bill for the payment of the expenses of the regents of the University," and refused to recede from their amendment to the same: whereupon the President announced Messrs. Bradford, Hawkins and Greenly a committee of conference thereon.

The joint resolution adopted by the House "in relation to a steam revenue cutter," was concurred in by the Senate.

The House bill, "authorizing an assessment to be made in a certain school district in the township of Plymouth, in the county of Wayne," was read twice and referred to the committee on state affairs.

The joint resolution from the House "in relation to imprisonment for debt," was amended, on motion of Mr. Kercheval, by inserting the words "in congress," and on motion of Mr. Woodbridge, the same was laid on the table.

The joint resolution from the House in relation to the harbor at St. Joseph, was, on motion of Mr. Kercheval, laid on the table.

The memorial and resolutions on the subject of harbors, &c. from the house, was referred to the committee on state affairs.

The President announced a message from the Governor, by Mr. Jackson, his private secretary, in the following words:

EXECUTIVE DEPARTMENT, }  
January 30, 1839. }

*To the Senate:*

I transmit for the information of the Senate, a communication from the Treasurer in relation to the bonds given by the state deposit bank for the safe keeping of the public moneys.

The original bonds of the bank for three hundred thousand dollars were given for the safe keeping of the surplus revenue and the five per cent fund.

S. T. MASON.

STATE TREASURER'S OFFICE, }  
Detroit, January 29, 1839. }

Sir: I have to inform you that the directors of the Michigan state bank have this day filed in this office their penal bond in the sum of five hundred thousand dollars, conditioned for the repayment of all moneys now deposited in that bank, or that may



be hereafter deposited, by the Treasurer or otherwise, to the credit of the state.

I remain, sir, your ob't servant,

H. HOWARD, *Treas'r.*

*His Excellency Gov. MASON, Detroit.*

On motion of Mr. Kingsley,

*Resolved*, That the Bank Commissioner who has recently examined into the condition of the Bank of Ypsilanti, be requested to lay before the Senate a statement of the condition of the finances of that bank, and the manner in which the affairs of that bank have been conducted, as far as he has been able to ascertain the same, and that the Secretary of the Senate shall give to said commissioner, (Mr. Felch,) a copy of this resolution.

Mr. Summers offered the following resolution :

*Resolved*, That the president of the Michigan state bank report to the Senate, as soon as practicable, to whom the seventy-two thousand dollars has been advanced, as reported by the Bank Commissioner, naming the public officers receiving the same, the date of the advance, the security therefor, and upon what authority the same was made ; also, how the seventy-seven thousand dollars, as reported by said Bank Commissioner, has been advanced, the number of individuals to whom advanced, when advanced, the security therefor, the authority for advancing it, and whether it was advanced out of any of the funds of the state.

Which was laid on the table by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	9

#### NAYS.

Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

Mr. Kercheval then withdrew his amendment offered to the resolution submitted by Mr. Summers, and laid on the table yesterday.

Mr. Harrington then called up the resolution of yesterday, offered by Mr. Summers and amended by him.

Mr. Greenly moved the previous question on the passage thereof, which was ordered by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,			10

## NAYS.

Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

Whereupon the resolution was adopted by yeas and nays, as follows:

## YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,	
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	6

Mr. Summers then called up the resolution offered by him to-day, and laid upon the table, upon which he called the previous question, and the resolution passed.

Mr. Bradford then moved a reconsideration of the last vote, which was decided in the affirmative, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Cook,	Mr. Greenly,	Mr. Wing,	
Mr. Curtis,	Mr. Harrington,		8

## NAYS.

Mr. Gordon,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,			7

The question then recurring on the original resolution offered by Mr. Summers, Mr. Bradford moved to amend by striking

out the words "internal improvement fund," which motion was not agreed to.

Mr. Bradford then moved to amend by striking out that part of the resolution requiring the names of the officers, &c. to whom advances had been made; which amendment was adopted, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Groenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	9

## NAYS.

Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

Mr. Etheridge then moved to strike out all after the word "resolved," and insert the following:

"That the item of seventy-two thousand five hundred and twenty-six dollars and thirty-two cents, stated to be advanced to public officers by Michigan state bank, and the item of seventy-seven thousand nine hundred and thirty-two dollars and twelve cents, stated to be advanced to contractors and others, are, from the manner in which they are introduced, supposed to be advanced to persons to whom the money was not due, and implies that the amount of the two items is yet due the bank, from the state fund or from the salary of officers of the state and the earnings of contractors; and that the manner and language used in noting said items, implicates all state officers and all contractors, and implies an expectation that the amount will be reimbursed by the funds of the state, in consequence of which it becomes the duty of the Senate to inquire whether the several sums that constitute the above items were advanced on the responsibility of public officers and contractors, or whether the cashier of said bank considers the amount of said items as a charge against the funds of the state.

"*Resolved*, That the president of said bank be requested to transmit to the Senate full and definite information on the above subject."

The previous question here being called for, the call was not sustained, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,
Mr. Cook,		

4

## NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,
Mr. Hawkins,		

10

Mr. Summers moved an adjournment ; not agreed to.

Mr. Hawkins moved to amend the resolution by adding the words, " in what kinds of funds such payments have been made : " which motion (the previous question being called,) was lost.

The resolution of Mr. Summers was then adopted, by yeas and nays, as follows ;

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gordon,	Mr. McCamly,	

14

## NAYS.

0

Mr. Hawkins then offered the following resolution :

*Resolved*, That the committee on incorporations be and they are hereby invested with such further power as they deem necessary in their investigation of the affairs of the Michigan state bank, under the resolution passed in relation to said bank on Saturday last, as to be able to report whether they consider the said bank a safe depository or not for the public moneys ; also, they have power to inquire what kind of funds they have paid to contractors, and public officers on the public works and elsewhere.

Mr. Bradford moved to lay the same upon the table, which motion was lost.

After some discussion, Mr. Bradford renewed his motion to lay the resolution upon the table, which was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Cook,	Mr. Greenly,	Mr. Wing,	
Mr. Curtis,	Mr. Kingsley,		8

## NAYS.

Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge,	6

The President announced the following message from the Executive :

EXECUTIVE DEPARTMENT, }  
January 30, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State, the following acts : " An act to extend the time for receiving the annual reports from certain school districts," " An act authorizing the county commissioners of the county of Wayne to dispose of their present county poor-house, and for other purposes," and " An act to authorize the county commissioners of Wayne county to perform certain duties therein mentioned."

S. T. MASON.

On motion of Mr. Summers,  
The Senate adjourned.

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THURSDAY, JANUARY 31.

The Senate met, and was called to order by the President.  
Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there were absent, Messrs. Cook, Harrington and Hawkins, who afterwards appeared and took their seats.

Messrs. Drake and Gidley absent on leave.

Mr. Wing presented the memorial of David White, in relation to his citizenship ; which was, on motion of Mr. Greenly, laid on the table.

Mr. Gordon presented the memorial of John Scott, in relation

to the right of voting, &c., which was referred to the committee on judiciary.

Mr. Wing, on behalf of the committee on the judiciary, reported a bill to authorize Giles B. Kellogg to make sale and partition of certain lands, which was referred to the committee of the whole, and ordered to be printed.

Also, "A bill regulating prison limits," which was referred to committee of the whole.

Mr. Etheridge moved to take up the preamble and resolutions relative to the salt spring lands, but the motion was not agreed to.

Mr. Bradford moved a reconsideration thereof, which was lost, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Summers,
Mr. Etheridge,	Mr. McCamly,	Mr. Woodbridge,

6

#### NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,
Mr. Greenly,	Mr. Kingsley,	

8

Mr. McCamly presented the petition of inhabitants of Eaton county, for the appointment of commissioners to lay out a state road, which was referred to the committee on roads and bridges.

Also, the remonstrance of citizens of township of Cady, against altering the name of said town, which was referred to committee on towns and counties.

The Senate then resolved itself into committee of the whole, Mr. Wing in the chair, on the bill to amend chapter three, title one, part three, revised statutes, and after a time spent thereon the committee rose, and through their chairman reported the bill back with sundry amendments.

Mr. Bradford moved to lay the same on the table, which motion did not prevail.

A call of the Senate being ordered, Messrs. Kingsley, McCamly and Summers were absent.

The bill, as amended by committee of the whole, was then

being considered by the Senate, when, on motion of Mr. Bradford, said bill was laid on the table.

On motion of Mr. Bradford, the Senate went into committee of the whole, Mr. Trowbridge in the chair, on the "bill to abolish imprisonment for debt," and after some time spent thereon, the committee rose, and through their chairman reported progress, asked and obtained leave to sit again.

On motion of Mr. Greenly, the Senate resolved itself into committee of the whole, Mr. McCamly in the chair, on the "bill to amend title two, part three of the revised statutes," and after a time spent thereon, the committee rose, and through their chairman reported progress, asked and obtained leave to sit again.

On motion of Mr. Etheridge,

*Resolved*, That a select committee of three be appointed to take into consideration so much of the report of the board of internal improvement, as alludes to the death of one of the members of said board, Doctor Hiram Alden, his funeral charges, and so much of his salary as has not been allowed by the Auditor General, with instructions to report by bill or otherwise.

On motion of Mr. Gordon, leave of absence was granted to Mr. Hawkins, until Tuesday the fifth proximo.

On motion of Mr. Greenly, the Senate adjourned.

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## FRIDAY, FEBRUARY 1.

The Senate met, and was called to order by the President.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there were absent Messrs. Bradford, Cook, Harrington and Kercheval, who afterwards appeared and took their seats.

Messrs. Drake and Gidley, absent on leave.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words:

HOUSE OF REPRESENTATIVES, }  
 January 31, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the joint resolution relative to an appropriation for the erection of a light-house and the building of a pier at Belvidere, with an amendment, in which the concurrence of the Senate is respectfully asked.

I am also instructed to inform the Senate, that the House of Representatives have passed “A bill to provide for an increase of the number of masters in chancery, in the county of Wayne, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The House “bill to provide for an increase of the number of masters in chancery, in the county of Wayne,” was read twice, and referred to the committee on the judiciary.

The Senate refused to concur in the amendment made by the House of Representatives, in the joint resolution relative to building a light-house and pier at Belvidere.

Mr. Etheridge moved that the Senate take up the joint resolution asking congress for authority to sell lands reserved for the use of salt springs, which motion prevailed, by yeas and nays, as follows :

YEAS.

Mr. Bradford,  
 Mr. Cook,  
 Mr. Curtis,

Mr. Etheridge,  
 Mr. Harrington,

Mr. McCamly,  
 Mr. Woodbridge,

7

NAYS.

Mr. Gordon,  
 Mr. Greenly,

Mr. Hawkins,  
 Mr. Kingsley,

Mr. Summers,  
 Mr. Trowbridge, 6

Whereupon, said joint resolution was taken up, and was under consideration, when, on motion of Mr. Kingsley, the same was laid on the table.

Mr. Bradford moved to again take up said joint resolution, which motion did not prevail.



The President announced the following as the select committee in pursuance with the resolution adopted yesterday, in relation to the death of Hiram Alden, late commissioner of internal improvement, viz: Messrs. Etheridge, Woodbridge and Summers.

On motion of Mr. Summers,

*Resolved*, That the bank commissioners be directed to furnish the Senate with a list of the specie certificates issued and loaned by individuals, banks, or other institutions, for the purpose of creating banks under the general banking law of this state; by whom, and to whom issued; also, the names of the officers and directors of the different institutions that have been placed under injunction; and further, that the commissioners be directed to furnish the Senate with copies of the affidavits and other testimony taken by them in their investigations, calculated to exhibit the manner, and by whom said bankrupt institutions have been organized.

On motion of Mr. Trowbridge,

*Resolved*, That the committee on finance be instructed to inquire into the propriety of providing by law, that all road taxes shall be laid out within the surveyed township in which such taxes are assessed, and prohibiting road taxes being levied in townships in which there are no roads.

Mr. Bradford gave notice that at some future day, he should ask leave to introduce a bill relative to executions levied on real estate, and providing for the setting off of such real estate to the plaintiff in the execution, at a just appraised value.

On motion of Mr. Hawkins, the bill to amend chapter three, title one, part three, revised statutes, was taken up.

Mr. Bradford moved to recommit said bill to the committee on the judiciary, which was lost, by yeas and nays, as follows:

#### YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Trowbridge,	
Mr. Cook,	Mr. Summers,		5

#### NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. McCamly,
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Harrington,		

Mr. Wing offered the following amendment to the tenth section of said bill, add to section ten, " provided that such rules of practice shall be consistent with such legislative provisions as are, or as may be, from time to time enacted," which amendment was agreed to.

Mr. Hawkins moved that said bill be now ordered to a third reading.

Mr. Bradford had the floor on the question, but gave way to Mr. Wing.

The President retired from the chair, and called Mr. Kercheval to occupy his seat.

On motion of Mr. Wing,

The Senate adjourned until two o'clock, P. M.

#### AFTERNOON SESSION—2 O'CLOCK P. M.

The Senate met pursuant to adjournment, and was called to order by the President.

The question being on the recommitment of the bill to amend part three, title one, chapter three, revised statutes,

Mr. Bradford resumed the floor, and at the close of his remarks, the question of engrossment pending, moved for a call of the Senate, which was not sustained.

The bill was then ordered to be engrossed for a third reading, by yeas and nays, as follows :

#### YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge.	
Mr. Greenly,	Mr. McCamly,		8

#### NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Trowbridge,	
Mr. Cook,	Mr. Summers,		5

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words :

HOUSE OF REPRESENTATIVES, }  
February 1, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that they have passed a " resolution relative to

the basement rooms of the capitol," "a resolution relative to the Ypsilanti and Tecumseh railroad," "a memorial and resolution relative to the military roads," and "a resolution relative to the Oakland county bank, and the bank of Macomb county," and respectfully ask the concurrence of the Senate therein.

I am also instructed to return to the Senate the "bill to amend part three, title one, chapter three, revised statutes," with amendments as received from the Senate, and respectfully inform the Senate that the House have concurred therein.

Also, to inform the Senate that the House have passed "A bill making appropriations for the payment of John S. Bagg, state printer," and respectfully ask their concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate did concur in the joint resolution in relation to the basement rooms of the capitol.

The joint resolution relative to the Ypsilanti and Tecumseh railroad, was laid on the table.

The memorial and resolutions relative to the military roads, were referred to the select committee on that subject.

The resolution relative to the Oakland county bank and the Macomb county bank, was amended, on motion of Mr. Kercheval, by substituting "the bank of Macomb county" for the "Macomb county bank," and as amended by the Senate, was read a third time and passed.

The bill making appropriations for the payment of John S. Bagg, state printer, was read twice, when Mr. Bradford moved to refer the same to the committee on printing.

Mr. Kercheval moved to amend by referring the bill to the committee on finance; whereupon the amendment having been adopted, the bill was referred to the committee on finance.

On motion of Mr. Gordon, the Senate resolved itself into committee of the whole, Mr. McCamly in the chair, on the bill to amend title two, part three, revised statutes, and after some time spent thereon, the committee rose, and through their chairman, reported the bill back with sundry amendments.

The President having announced the amendments made in committee of the whole, the Senate adopted the same.

Mr. Bradford moved further to amend said bill, by striking out the seventh section thereof, which amendment was agreed to by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Summers,	
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Curtis,	Mr. McCamly,	Mr. Woodbridge,	9

## NAYS.

Mr. Gordon,	Mr. Harrington,	Mr. Wing,	
Mr. Greenly,	Mr. Hawkins,		5

Mr. Greenly moved further to amend by substituting in the first line of the sixth section, the words "shall recover," for "shall have recovered," which was afterwards withdrawn, but renewed by Mr. Kercheval, and was finally disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Kercheval,	Mr. Summers.	3
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## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,	Mr. McCamly,		11

On motion of Mr. Curtis, the bill was further amended, by inserting after the word "party," in the first line of section six, the words "may or."

Mr. Bradford submitted further amendments, as follows :

Strike out all after the word "appear," in the third line of section third, to the word "that," in the sixth line, and insert the words "upon due proof by the return of a proper officer, or by the affidavit of a disinterested and credible person ;" also, between the words "served" and "upon," in the fourth line of section third, insert the word "personally." Add at the end of the last line of section third, the following words : "in the manner provided in the first section of this act."

No further amendments being ordered, said bill was ordered to be engrossed.

Mr. Bradford, on behalf of the select committee on that subject, reported back the memorial and resolutions in relation to military roads, without amendmen', and said memorial and resolutions were concurred in by the Senate.

On motion of Mr. Wing, the committee of the whole was discharged from further consideration of the bill in relation to prison limits ; whereupon the same being before the Senate, the bill was amended, on motion of Mr. Curtis, by inserting after the words "such person may reside," the words "or be arrested," and the bill as amended, was ordered to be engrossed.

On motion of Mr. Wing, the rules were suspended, the bill read a third time and passed.

Mr. Greenly moved that the Senate adjourn to Tuesday next.

Mr. Hawkins moved to adjourn.

The President here informed the Senate that his absence for a few days was indispensable, and therefore he appointed Mr. Woodbridge acting President.

Mr. Bradford then renewed his motion, and

The Senate adjourned until Monday next, 10 o'clock A. M.

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### MONDAY, FEBRUARY 4.

The Senate met pursuant to adjournment, and was called to order by the acting president.

Prayer by Rev. Mr. Bury.

The roll being called, there were absent Messrs. Cook, Drake, Harrington and Trowbridge. Messrs. Cook, Drake and Trowbridge afterwards appeared and took their seats.

Mr. Kingsley presented the petition of B. S. King and others, in relation to state bank ; referred to the committee on banks and incorporations.

Mr. Gordon presented remonstrance of citizens of township number one north, of range number three west ; referred to the committee on towns and counties.

Mr. Kercheval offered the following resolution :

*Resolved, by the Senate, (the House of Representatives concurring herein.)* That the commissioners of the board of internal

improvements be, and they are hereby instructed to so alter the location of the Havre branch railroad, as to run it to the city of Monroe, in the county of Monroe; and to cause a survey to be made with a view to a railroad from Monroe to Detroit, or Dearbornville, in the county of Wayne, as may appear most advantageous to the public convenience.

Which was laid on the table.

Mr. Etheridge moved to take up the resolution in relation to salt springs, which was agreed to; whereupon Mr. McCamly offered the following amendment thereto:

Strike out all after "the and" in the fifth line, and insert "and make such disposition of the proceeds of the sale of said lands as the legislature may direct."

Which was rejected by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Summers,	
Mr. Etheridge,	Mr. McCamly,		5

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Kingsley,	
Mr. Drake,	Mr. Greenly,	Mr. Wing,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	9

The question then recurring on the original resolution, the same was lost by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	6

## NAYS.

Mr. Drake,	Mr. Greenly,	Mr. Summers,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		8

Mr. Summers moved to take up the resolution in relation to suspending geological survey, which was disagreed to by yeas and nays, as follows:

## YEAS.

Mr. Drake,	Mr. Gordon,	Mr. Summers,	
Mr. Gidley,	Mr. Hawkins,		5

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Etheridge,		

7

Mr. Bradford moved that the Senate go into committee of the whole on the bill to abolish imprisonment for debt, which was agreed to, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Kingsley,
Mr. Curtis,	Mr. Gordon,	Mr. McCamly,
Mr. Etheridge,	Mr. Greenly,	Mr. Woodbridge,

9

## NAYS.

Mr. Hawkins,	Mr. Kercheval,	Mr. Summers,
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3

The Senate then went into committee of the whole, Mr. Kercheval in the chair, and after a time spent thereon, the committee rose and through their chairman reported the bill back, and asked leave to be discharged from the further consideration of the subject; which leave was granted, by yeas and nays, as follows:

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,	Mr. Kingsley,	

11

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,
Mr. Drake,		

4

Whereupon the committee being discharged, said bill was, on motion of Mr. Kingsley, referred to the committee on the judiciary.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words:

HOUSE OF REPRESENTATIVES, }  
February 4th, 1839. }

*To the President of the Senate:*

Sir—I am instructed by the House of Representatives to inform the Senate that they have concurred in the amendment of the Senate to the resolution in relation to the "Oakland county bank, and the bank of Macomb county;" also, in the bill "to provide

for an increase of the number of masters in chancery in the county of Wayne." Also, that they have passed the bill "regulating prison limits," with amendments in which they respectfully ask the concurrence of the Senate. Also, that they have receded from their amendment to the "preamble and resolution in relation to a light-house and pier at Belvidere." Also, that they have passed a bill "to extend the time of payment of the university and school moneys, and for other purposes," and respectfully ask the concurrence of the Senate therein. Also, a resolution of thanks to Major General Edmond P. Gaines, in which the concurrence of the Senate is respectfully asked.

E. J. ROBERTS, *Clerk.*

And the Senate did concur in the amendments by the House of Representatives to the bill "regulating prison limits," and the same was ordered to be enrolled.

The bill "to extend the time of payment of the university and school moneys," &c., was read twice and referred to the committee on literature.

The resolution of thanks to Maj. Gen. Gaines was, on motion of Mr. Summers, laid on the table.

Mr. Hawkins moved that the Senate adjourn to two o'clock P. M.

Mr. Curtis moved that the Senate do adjourn, which was agreed to by yeas and nays, as follows:

YEAS.

Mr. Cook,	Mr. Etheridge,	Mr. McCamly,
Mr. Curtis,	Mr. Gordon,	Mr. Summers,
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,

9

NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,

6

Whereupon the Senate adjourned.



## TUESDAY, FEBRUARY 5.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Bury.

The roll being called, there were absent, Messrs. Cook, Drake, Harrington, Hawkins, Summers and Wing, who afterwards appeared and took their seats.

## PETITIONS.

By Mr. Kingsley of Benjamin Hobert and others, in relation to a state road ; referred to committee on roads and bridges.

By Mr. Drake, of O. Clark and others, for organizing a township in Genesee county ; referred to committee on towns and counties.

Mr. Hawkins, on behalf of standing committee, reported the enrolled bill " regulating prison limits."

Mr. Bradford, from the committee of conference on the subject of the disagreement between the two Houses in relation to the amendment proposed by the Senate to the House bill " providing for the payment of the expenses of the Regents of the university," reported that the committee had met a similar committee on the part of the House of Representatives. and both committees had agreed to recommend to their respective houses a concurrence in an amendment in place of the amendment proposed by the Senate, to the effect that the act shall be in force for three years, unless sooner repealed.

Mr. Gordon gave notice that on some future day he should ask leave to introduce a bill to incorporate the Marshall Female Academy.

On motion of Mr. Summers,

The vote yesterday, given on referring the bill abolishing imprisonment for debt to the committee on the judiciary, was reconsidered, and

On motion of Mr. Kingsley, the same was referred to the select committee on that subject.

The bill to amend chapter three, title one, part three, revised statutes, was read a third time, and, on motion of Mr. Bradford, was laid on the table.

Mr. Hawkins obtained leave that the claim of the sheriff of

Washtenaw county, together with an accompanying letter from the Auditor General, be referred to the committee on claims.

Mr. Kingsley offered the following resolution :

*Resolved*, That the Senate now proceed to elect a Senator, to represent this state in Congress, for the term of six years from the fourth day of March next, this being the day appointed by law for performing that duty.

Which, having been adopted, the Senate proceeded to said election, by yeas and nays, as follows :

FOR E. RANSOM.

Mr. Etheridge,	Mr. M'Camly,	2
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FOR W. WING.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Greenly,	Mr. Kingsley,		5

FOR J. BIDDLE.

Mr. Kercheval,		1
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FOR R. ROBINSON.

Mr. Bradford,		1
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FOR R. MANNING.

Mr. Cook,		1
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FOR WM. DRAPER.

Mr. Drake,	Mr. Hawkins,	2
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FOR A. S. PORTER.

Mr. Gidley,	Mr. Woodbridge,	2
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FOR WM. WOODBRIDGE.

Mr. Gordon,	Mr. Trowbridge,	2
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FOR T. FITZGERALD.

Mr. Wing,		1
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There being no election, a second vote was taken, which resulted as follows :

FOR E. RANSOM.

Mr. Etheridge,	Mr. M'Camly,	2
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FOR W. WING.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Greenly,	Mr. Kingsley,		5

## FOR J. BIDDLE.

Mr. Kercheval,	1
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## FOR R. MANNING.

Mr. Cook,	1
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## FOR WM. DRAPER.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	3
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## FOR A. S. PORTER.

Mr. Gordon.	Mr. Woodbridge,	2
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## FOR W. WOODBRIDGE.

Mr. Gidley,	1
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## FOR T. FITZGERALD.

Mr. Bradford,	1
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## FOR V. L. BRADFORD.

Mr. Wing,	1
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There being no election, the Senate were about to proceed to a third ballot, when Mr. Bradford moved that the whole matter be suspended for the present.

Mr. Gidley moved a recess of half an hour.

Mr. Hawkins moved that the Senate adjourn till two o'clock, P. M.

The question being taken on Mr. Bradford's resolution, it was negatived, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	2
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## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. M'Camly,
Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,

The question being taken on Mr. Gidley's resolution, it was agreed to by yeas and nays as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. M'Camly,
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,
Mr. Gidley,	Mr. Kingsley,	Mr. Trowbridge,

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Wing,	
Mr. Drake,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Hawkins,		2

The Senate then adjourned for half an hour.

When the President called the Senate again to order, Mr. Hawkins moved to adjourn, which was not agreed to.

The Senate again proceeded to a third vote for the election of U. S. Senator, which resulted as follows :

FOR E. RANSOM.			
Mr. Etheridge,	Mr. McCamly,		2
FOR W. WING.			
Mr. Curtis,	Mr. Kingsley,	Mr. Summers,	
Mr. Greenly,			4
FOR J. BIDDLE.			
Mr. Kercheval,			1
FOR WM. DRAPER.			
Mr. Drake,	Mr. Hawkins,		2
FOR A. S. PORTER.			
Mr. Gordon,	Mr. Trowbridge,		2
FOR W. WOODBRIDGE.			
Mr. Gidley,			1
FOR T. FITZGERALD.			
Mr. Bradford,			1
FOR R. MANNING.			
Mr. Cook,			1
FOR E. H. LATHROP.			
Mr. Wing,			1
FOR T. ROWLAND.			
Mr. Woodbridge,			1

There being no election, the Senate proceeded to the fourth trial, which resulted as follows :

FOR E. RANSOM.			
Mr. Etheridge,	Mr. M'Camly,		2
FOR W. WING.			
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Greenly,	Mr. Kingsley,		5

FOR J. BIDDLE.		
Mr. Kercheval,		1
FOR WM. DRAPER.		
Mr. Drake,	Mr. Hawkins,	2
FOR A. S. PORTER.		
Mr. Gordon,		1
FOR W. WOODBRIDGE.		
Mr. Gidley,	Mr. Trowbridge,	2
FOR T. FITZGERALD.		
Mr. Bradford,		1
FOR R. MANNING.		
Mr. Cook,		1
FOR W. A. FLETCHER.		
Mr. Wing,		1
FOR T. ROWLAND.		
Mr. Woodbridge,		1

Mr. Kingsley moved that the whole subject be laid on the table, which was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,

9

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. M'Camly,
Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Hawkins,	

8

Mr. Cook presented a petition from inhabitants of Livingston county, for incorporating Ore Creek and Detroit canal company ; referred to committee on internal improvement.

Mr. Harrington, of standing committee, reported as enrolled, the joint resolution in relation to Farmers' and Merchants' bank of St. Joseph.

The Senate then went into committee of the whole, Mr. Kingsley in the chair, on the " bill to amend chapter five, title one, part three, revised statutes, and after a time spent thereon, the committee rose, and through their chairman, reported progress, and obtained leave to sit again.

Mr. Greenly moved to adjourn.

Mr. Cook moved to adjourn to two o'clock P. M., which was not agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Wing,	
Mr. Cook,	Mr. M'Camly,	Mr. Woodbridge,	6

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Kingsley,	
Mr. Drake,	Mr. Greenly,	Mr. Summers,	
Mr. Etheridge,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,		11

The question then recurring on the motion to adjourn, it was not agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Greenly,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Harrington,			7

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. M'Camly,	
Mr. Cook,	Mr. Gordon,	Mr. Wing,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Etheridge,			10

Mr. Bradford asked leave to call up the joint resolution in relation to fiscal agent, which was not agreed to.

The Senate then proceeded to the fifth trial for election of U. S. Senator, which resulted as follows :

## FOR E. RANSOM.

Mr. Etheridge,	Mr. M'Camly,	2
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## FOR W. WING.

Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,	
Mr. Greenly,	Mr. Kercheval,	Mr. Summers,	6

## FOR T. ROWLAND.

Mr. Woodbridge,	1
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## FOR WM. DRAPER.

Mr. Drake,	Mr. Hawkins,	2
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## FOR W. WOODBRIDGE.

Mr. Gidley,	Mr. Gordon,	Mr. Trowbridge,	3
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FOR T. FITZGERALD.		
Mr. Bradford,		1
FOR R. MANNING.		
Mr. Cook,		1
FOR R. ROBINSON.		
Mr. Wing.		1
There being no election, the Senate proceeded to the sixth trial, which resulted as follows :		
FOR E. RANSOM.		
Mr. Etheridge,	Mr. M'Camly,	2
FOR W. WING.		
Mr. Curtis,	Mr. Kingsley,	Mr. Summers,
Mr. Kercheval,		
		4
FOR S. VICKERY.		
Mr. Gordon,		1
FOR W. DRAPER.		
Mr. Drake,		1
FOR O. HAWKINS.		
Mr. Greenly,		1
FOR R. ROBINSON.		
Mr. Bradford,		1
FOR R. MANNING.		
Mr. Cook,		1
FOR W. WOODBRIDGE.		
Mr. Gidley,	Mr. Trowbridge,	2
FOR V. L. BRADFORD.		
Mr. Harrington,		1
FOR W. L. GREENLY.		
Mr. Hawkins,		1
FOR N. H. FINNEY.		
Mr. Wing,		1
FOR H. CHIPMAN.		
Mr. Woodbridge,		1

Mr. Curtis moved that the Senate adjourn, which was not agreed to.

Mr. Drake offered the following resolution :

*Resolved*, That a committee be appointed, whose duty it shall be to inquire whether the Detroit and Pontiac turnpike company have neglected or omitted to comply with the provisions of the act of incorporation, or in anywise forfeited the privileges therein granted, and to ascertain, if practicable, the amount of money by the company expended in improving the road, also, the amount of tolls received by the company ; and that the committee have power to send for persons and papers, if necessary for the accomplishment of the inquiry.

The resolution was adopted.

The President announced a message from the Governor, by Mr. Porter, in the following words :

EXECUTIVE DEPARTMENT, }  
February 5th, 1839. }

*To the Senate :*

I have this day approved, and filed in the office of the Secretary of State, the following act and joint resolution, viz. :

“ An act regulating prison limits”, and “ A joint resolution in relation to Blois’ Gazetteer.”

S. T. MASON.

The Senate then proceeded to a seventh trial for the election of a United States Senator, which resulted as follows :

FOR E. RANSOM.		
Mr. Etheridge,	Mr. M’Camly,	2
FOR W. WING.		
Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,
Mr. Greenly,	Mr. Kercheval,	Mr. Summers,
		6
FOR R. MANNING.		
Mr. Cook,		1
FOR N. H. FINNEY.		
Mr. Bradford,		1
FOR J. SUMMERS.		
Mr. Gidley,	Mr. Hawkins,	2
FOR J. W. GORDON.		
Mr. Trowbridge,		1
FOR W. L. GREENLY.		
Mr. Wing,		1
FOR D. S. BACON.		
Mr. Gordon,		1



FOR T. L. L. BRENT.

Mr. Drake,

1

Mr. Gidley moved that the Senate do adjourn, which was not agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,

Mr. M'Camly,

Mr. Wing,

Mr. Kercheval,

Mr. Summers,

Mr. Woodbridge,

Mr. Kingsley,

Mr. Trowbridge,

8

## NAYS.

Mr. Bradford,

Mr. Etheridge,

Mr. Greenly,

Mr. Cook,

Mr. Gidley,

Mr. Harrington,

Mr. Drake,

Mr. Gordon,

Mr. Hawkins,

9

On motion of Mr. Wing,  
The Senate adjourned.

## WEDNESDAY, FEBRUARY 6.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Bury.

The roll being called, there were absent Messrs. Cook and Summers, who afterwards appeared and took their seats.

Mr. Harrington, from the standing committee, reported as enrolled the joint resolution in relation to a light-house at Belvidere.

Mr. Harrington, from the committee on the judiciary, reported the bill for collecting claims against boats and vessels back to the Senate, with certain amendments, which were all agreed to, and said bill was ordered to be engrossed for a third reading.

The President read a communication from the president of the Michigan state bank, in compliance with a previous resolution, giving "a statement of the amounts advanced to public officers," &c., which was referred to the committee on finance, and ordered to be printed.

[See Senate Document No. 13.]

On motion of Mr. Kercheval,

*Resolved*, That the president of the board of commissioners of internal improvement be directed to furnish, without delay, a copy of all applications for money to be loaned, and bonds, and other securities, given by companies, incorporations, or individuals to

the state for moneys so loaned said corporations, companies, or individuals, whether loaned by the board, or by any acting commissioner.

On motion of Mr. Kingsley,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of making an appropriation out of any moneys in the treasury not otherwise appropriated, to promote the agricultural interest of the state, to be disposed of by the state agricultural society, and to report by bill or otherwise.

Mr. Woodbridge gave notice that at some future day he would ask leave to bring in a bill making temporary appropriations, and for other purposes.

The President announced the following as the committee in pursuance of the resolution passed yesterday in relation to the Detroit and Pontiac railroad company, viz: Messrs. Drake, Woodbridge and McCamly.

The Senate then resumed the matter of electing a United States Senator, and this, being the eighth trial, resulted as follows:

FOR E. RANSOM.

Mr. Etheridge,	Mr. McCamly,	2
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FOR W. WING.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Greenly,	Mr. Kingsley,		5

FOR C. BRITAIN.

Mr. Bradford,		1
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FOR O. D. RICHARDSON.

Mr. Cook,		1
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FOR WM. DRAPER.

Mr. Drake,	Mr. Hawkins,	2
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FOR WM. WOODBRIDGE.

Mr. Gidley,	Mr. Gordon,	Mr. Trowbridge,	3
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FOR T. FITZGERALD.

Mr. Kercheval,		1
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FOR JOHN DE NOD.

Mr. Wing,		1
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FOR T. ROWLAND.

Mr. Woodbridge,		1
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There being no election, the Senate proceeded to the ninth trial, which resulted as follows :

FOR E. RANSOM.		
Mr. Etheridge,	Mr. McCamly,	2
FOR W. WING.		
Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,
Mr. Greenly,		4
FOR O. D. RICHARDSON.		
Mr. Cook,		1
FOR W. DRAPER.		
Mr. Drake,	Mr. Hawkins,	2
FOR W. WOODBRIDGE.		
Mr. Gordon,		1
FOR T. FITZGERALD.		
Mr. Bradford,	Mr. Kercheval,	2
FOR D. B. MILLER.		
Mr. Gidley,		1
FOR T. E. GIDLEY.		
Mr. Summers,		1
FOR J. SUMMERS.		
Mr. Trowbridge,		1
FOR D. G. JONES.		
Mr. Woodbridge,		1

There being no election, the Senate proceeded to the tenth trial, which resulted as follows :

FOR E. RANSOM.		
Mr. Etheridge,	Mr. McCamly,	2
FOR W. WING.		
Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,
Mr. Gidley,	Mr. Kercheval,	5
FOR T. FITZGERALD.		
Mr. Bradford,		1
FOR S. Y. AT LEE.		
Mr. Cook,	Mr. Harrington,	2
FOR W. DRAPER.		
Mr. Drake,		1

## FOR S. V. R. TROWBRIDGE.

Mr. Gordon,		1
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## FOR E. B. HARRINGTON.

Mr. Hawkins,		1
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## FOR E. MUNDY.

Mr. Summers,		1
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## FOR W. WOODBRIDGE.

Mr. Trowbridge,		1
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## FOR D. G. JONES.

Mr. Woodbridge,		1
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There being no election, the Senate proceeded to the eleventh trial, which resulted as follows :

## FOR E. RANSOM.

Mr. Etheridge,	Mr. McCamly,	2
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## FOR W. WING.

Mr. Curtis,	Mr. Gordon,	Mr. Kingsley,	
Mr. Gidley,	Mr. Kercheval,		5

## FOR L. LYON.

Mr. Bradford,	Mr. Cook,	Mr. Hawkins,	3
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## FOR J. W. GORDON.

Mr. Greenly,		1
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## FOR W. DRAPER.

Mr. Drake,		1
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## FOR O. HAWKINS.

Mr. Harrington,		1
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## FOR T. E. GIDLEY.

Mr. Wing,		1
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## FOR E. MUNDY.

Mr. Summers,	Mr. Woodbridge,	2
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## FOR W. WOODBRIDGE.

Mr. Trowbridge,		1
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There being no election, Mr. Kingsley, moved to suspend further proceedings, which was disagreed to, by yeas and nays, as follows.

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Kercheval,	Mr. M'Camly,	6

## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,			10

The President called Mr. Summers to the chair, and the Senate proceeded to the twelfth trial, which resulted as follows :

## FOR E. RANSOM.

Mr. Etheridge,	Mr. M'Camly,	2
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## FOR W. WING.

Mr. Curtis,	Mr. Harrington,	Mr. Kercheval,	
Mr. Gidley,	Mr. Hawkins,	Mr. Kingsley,	
Mr. Gordon,			7

## FOR L. LYON.

Mr. Bradford,	Mr. Cook,	2
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## FOR WM. DRAPER.

Mr. Drake,	Mr. Trowbridge,	2
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## FOR T. J. DRAKE.

Mr. Summers,	1
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## FOR J. KINGSLEY.

Mr. Wing,	1
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## FOR T. ROWLAND.

Mr. Woodbridge,	1
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## FOR T. E. GIDLEY.

Mr. Greenly,	1
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There being no election, Mr. Kingsley moved to suspend further proceedings, which was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. M'Camly,	
Mr. Cook,	Mr. Kercheval,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,			10

## NAYS.

Mr. Drake,  
Mr. Etheridge,  
Mr. Gidley,

Mr. Gordon,  
Mr. Hawkins,

Mr. Trowbridge,  
Mr. Woodbridge,

7

The Senate then went into committee of the whole, Mr. Drake in the chair, on the bill to amend part one, title seven, chapter four, revised statutes, and after a time spent thereon, the committee rose, and through their chairman reporting progress, obtained leave to sit again.

The Senate then went into committee of the whole, Mr. Hawkins in the chair, on the bill to amend chapter two, title six, part two, revised statutes, and after a time spent thereon, the committee rose, and through their chairman reporting progress, obtained leave to sit again.

Mr. Hawkins moved to take up the resolution in relation to granting further power to committee on incorporations, to investigate the affairs of Michigan state bank,

Mr. Harrington moved to adjourn, on which the yeas and nays were taken, as follows :

## YEAS.

Mr. Bradford,  
Mr. Cook,  
Mr. Etheridge,

Mr. Greenly,  
Mr. Harrington,  
Mr. McCamly,

Mr. Trowbridge,  
Mr. Wing.

8

## NAYS.

Mr. Drake,  
Mr. Gidley,  
Mr. Gordon,

Mr. Hawkins,  
Mr. Kercheval,  
Mr. Kingsley,

Mr. Summers.  
Mr. Woodbridge.

8

Whereupon, the vote being even, the President gave his casting vote in the negative.

The resolution being then taken up by the Senate, Mr. Bradford offered the following as a substitute : strike out all after the word " resolved," and insert the following :

That the committee on incorporations are invested with all necessary powers, by the resolution passed on Saturday, January twenty-eight, eighteen hundred and thirty-nine, to investigate into the safety of the public funds in deposit in the State Bank of Michigan, and for that purpose to examine into the pecuniary condition of said bank.

Which was agreed to, by yeas and nays as follows :  
(Mr. Drake being excused from voting thereon.)

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	9

## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Summers,	M Woodbridge,	6

The resolution as amended was then adopted, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,			10

## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	6

Mr. Harrington moved to adjourn, which motion was lost, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,	Mr. Wing,	6

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,	Mr. McCamly,		11

On motion of Mr. Drake,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the revised laws, so as to authorize justices of the peace to issue writs of replevin, and to try and determine actions in that form :

Also to inquire into the necessity and expediency of restoring the right and use of writs of certiorari to remove and review

proceedings before justices of the peace, and that the committee report by bill or otherwise.

Mr. Etheridge moved to proceed to election of U. S. Senator, on which, the Senate being equally divided, seven to seven, the president negatived the same by his casting vote.

Mr. Kingsley offered the following resolution :

*Resolved*, That the committee on banks and incorporations, in their inquiry into the situation of the state funds, inquire also into the propriety of requiring interest and security for such funds.

To which Mr. Hawkins offered the following amendment :  
"and they have power to inquire what kind of funds has been paid out on the public works."

Which was agreed to, and the resolution, as amended, was then adopted.

On motion of Mr. Summers,

The Senate adjourned.

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#### THURSDAY, FEBRUARY 7.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Bury.

The roll being called, Mr. Summers was absent, but afterwards appeared and took his seat.

Mr. Hawkins presented a communication directed to him from the Auditor General, in relation to the sheriff of Washtenaw, which was ordered to be entered on the journal.

AUDITOR GENERAL'S OFFICE, }  
Detroit, 7th Feb., 1839. }

Sir : In my last report to the legislature, bearing date the 31st December, one thousand eight hundred and thirty-eight, the name of William Anderson, sheriff of Washtenaw county, was among the number reported as defaulters.

It is due to him, therefore, that inasmuch as he has since that time closed his accounts and paid up all arrearages to the state, for moneys collected on licenses, that his name should be erased from the list.

This communication is intended to be used as you may in



your judgment think proper for his benefit, as Senator from that county.

Respectfully your most ob't servant,

ROBERT ABBOTT, *Aud. Gen.*

Hon. O. HAWKINS.

On motion of Mr. Greenly, the bill to amend title two, part third, revised statutes, was read a third time, and the question being on its passage, the Senate were equally divided thereon, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Gordon,	Mr. Hawkins,		8

NAYS.

Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. M'Camly,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		8

Whereupon the President gave his casting vote in the affirmative, and the said bill passed.

Mr. Woodbridge, in pursuance of previous notice, introduced "A bill making temporary appropriations, and for other purposes," which was read twice, and on motion of Mr. Bradford, was referred to the committee on finance.

On motion of Mr. Harrington, the "bill to provide for the collection of demands against boats and vessels," was read a third time, and on motion of Mr. Woodbridge, was laid on the table.

On motion of Mr. McCamly,

*Resolved*, That the committee on towns and counties be instructed to inquire whether it is the duty of this legislature to provide county seals for the several destitute counties that are now or may become hereafter organized, and if so, whether there is any sufficient provision in our statute for that purpose, and report by bill or otherwise.

The President announced a message from the Governor in the following words :

**EXECUTIVE DEPARTMENT, }**  
*February 7, 1839. }*

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State, the following acts and resolutions, viz : " An act to amend an act incorporating the village of Kalamazoo," " An act to provide for an increase of the number of masters in chancery in the county of Wayne," " An act to amend part third, title first, chapter third of the revised statutes, and for other purposes," " A joint resolution relative to relocation of state lands," " A joint resolution relative to a steam revenue cutter on the Lakes Erie, St. Clair, Huron and Michigan," " A joint resolution relative to appointment of commissioners to examine the Macomb and Oakland county banks," " A joint resolution and memorial relative to United States military roads in Michigan," and " A preamble and joint resolution in relation to the erection of a light-house," &c. at the mouth of the Clinton river.

S. T. MASON.

Mr. Kercheval presented the claim of Pease, Chester & Co. for transporting arms and furnishing provisions to the authorities of the state ; referred to the committee on claims.

The Senate then proceeded to the matter of electing a United States senator, and this being the thirteenth trial, resulted as follows :

<b>FOR W. WING.</b>		
Mr. Hawkins,		1
<b>FOR E. RANSOM.</b>		
Mr. Bradford,	Mr. Etheridge,	Mr. McCamly, 3
<b>FOR D. GOODWIN.</b>		
Mr. Cook,		1
<b>FOR TH. FITZGERALD.</b>		
Mr. Curtis,		1
<b>FOR W. DRAPER.</b>		
Mr. Drake,		1
<b>FOR J. M. HOWARD.</b>		
Mr. Gidley,		1

## FOR A. S. PORTER.

Mr. Gordon,	1
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## FOR A. WALES.

Mr. Greenly,	1
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## FOR G. R. GRISWOLD.

Mr. Harrington	1
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## FOR J. BIDDLE.

Mr. Kercheval,	1
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## FOR A. FELCH.

Mr. Kingsley,	1
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## FOR T. C. SHELDON.

Mr. Summers,	1
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## FOR T. ROWLAND.

Mr. Trowbridge,	Mr. Woodbridge,	2
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## FOR B. P. WITHERELL.

Mr. Wing,	1
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There being no election,

On motion of Mr. Kingsley, further proceedings were suspended, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Etheridge,	Mr. M'Camly,	Mr. Woodbridge,	
Mr. Greenly,			10

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Hawkins,	
Mr. Drake,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,			7

On motion of Mr. Harrington, the Senate proceeded to consider the bill entitled of the circuit courts, when, on motion, the same was laid on the table.

The Senate then went into committee of the whole, Mr. Hawkins in the chair. on the bill to amend chapter two, title sixth, of the revised statutes, and after a time spent thereon, the committee rose, and through their chairman reported the bill back

to the Senate with sundry amendments, in which their concurrence was asked :

Whereupon, on motion of Mr. Kingsley, the Senate did concur in said amendments, by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Etheridge,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,

9

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. M'Camly,
Mr. Cook,	Mr. Greenly,	Mr. Wing,
Mr. Curtis,	Mr. Harrington,	

8

On motion of Mr. Greenly,

The Senate adjourned.

## FRIDAY, FEBRUARY 8.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Bury.

The roll being called, there were absent Messrs. Bradford, Cook, Etheridge, Kingsley, M'Camly and Trowbridge, who, Mr. Kingsley excepted, afterwards appeared, and took their seats.

Mr. Drake, from the committee on finance, reported back the "bill making temporary appropriations," &c. with an amendment, in which the Senate concurred, and said bill was ordered to be engrossed for a third reading.

Mr. Drake, from same committee, reported "A bill to provide for the assessment and collection of highway taxes, in certain cases," which was read twice, and referred to committee of the whole, and ordered to be printed.

Mr. Hawkins, from committee on incorporations, reported "An act to incorporate Grand River theological seminary," which was read twice, referred to committee of the whole, and ordered to be printed.

Mr. Woodbridge presented a petition from certain colored

persons, in relation to the right of voting, which was referred to the committee on the judiciary.

The President laid before the Senate a pamphlet entitled "The Report of the Western Penitentiary of Pennsylvania, for the year eighteen hundred and thirty-eight," which was referred to the committee on penitentiary.

The President announced a communication from the president of the board of internal improvement, in compliance with the resolution heretofore passed, giving a copy of all applications for money to be loaned, &c., which was referred to the committee on internal improvement.

The Senate then resumed the matter of electing an United States senator, and this being the fourteenth trial, resulted as follows :

<b>FOR W. WING.</b>			
Mr. Cook,	Mr. Kercheval,	Mr. Summers,	3
<b>FOR E. RANSOM.</b>			
Mr. Bradford,	Mr. Etheridge,	Mr. M'Camly,	3
<b>FOR T. FITZGERALD.</b>			
Mr. Curtis,			1
<b>FOR W. DRAPER.</b>			
Mr. Drake,	Mr. Trowbridge,		2
<b>FOR J. COOK.</b>			
Mr. Gidley,			1
<b>FOR W. WOODBRIDGE.</b>			
Mr. Gordon,			1
<b>FOR MR. BISPHAM.</b>			
Mr. Greenly,	Mr. Hawkins,		2
<b>FOR B. F. H. WITHERELL.</b>			
Mr. Harrington,			1
<b>FOR MR. FLETCHER.</b>			
Mr. Wing,			1
<b>FOR T. ROWLAND.</b>			
Mr. Woodbridge,			1

There being no election, Mr. Greenly moved to suspend further

proceedings, which was not agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Gidley,	Mr. McCamly,	Mr. Wing,	6

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Hawkins,	
Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Etheridge,			10

The Senate, on motion of Mr. Hawkins, granted Mr. Kingsley leave of absence, until Tuesday next.

The election of United States senator again coming before the Senate, Mr. Cook moved to make the same the special order for Tuesday next, but afterwards withdrawing the same, the Senate proceeded to the fifteenth trial, as follows :

## FOR W. WING.

Mr. Hawkins,	Mr. Kercheval,	2
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## FOR E. RANSOM.

Mr. Bradford,	Mr. Etheridge,	2
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## FOR MR. BISPHAM.

Mr. Cook,		1
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## FOR K. S. BINGHAM.

Mr. Curtis,		1
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## FOR W. DEAPER.

Mr. Drake,		1
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## FOR O. HAWKINS.

Mr. Gidley,		1
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## FOR T. E. GIDLEY.

Mr. Gordon,		1
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## FOR A. WALES.

Mr. Greenly,		1
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## FOR MR. FLETCHER.

Mr. Harrington,		1
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Mr. Kercheval being called to nominate a person to be senator in congress, voted for Warner Wing, a member of this Senate ;

whereupon, it was moved by Mr. Woodbridge, that the said vote be not received, being for a person who is a member of this legislature.

Mr. Hawkins moved to lay said motion on the table, on which the yeas and nays were being taken. Mr. Drake asked leave to offer a resolution on said subject, but withdrawing his application, the vote proceeded on Mr. Hawkins' motion to lay on the table, which was not agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge, 6

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,		10

The question then recurring on Mr. Woodbridge's motion, Mr. Bradford moved to amend the same, by inserting the words "expedient and proper," but afterwards withdrew the same, and offered the following as a substitute therefor :

*Resolved*, That the Senate have no right at this time to reject the vote of any member for Warner Wing, on the score of the non-eligibility of said Warner Wing for the Senate of the United States.

The President ruled the same as out of order, from which decision Mr. Bradford appealed, and the decision of the Chair was sustained, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. McCamly,
Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Hawkins,	Mr. Woodbridge,
Mr. Gidley,	Mr. Kercheval,	14

## NAYS.

Mr. Bradford,	1
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Mr. Hawkins then offered the following as an amendment to the original resolution :

That this Senate has no power to reject any vote offered by any senator upon any question before the same, nor has the Senate power to deny the right of any senator to vote upon the subject before them, on the ground that the subject matter upon which he is voting is unconstitutional.

The President pronounced the same out of order, from which Mr. Bradford appealed, and the decision of the Chair was sustained, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kercheval,		14

## NAYS.

Mr. Bradford,	1
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Mr. Hawkins moved to lay the whole subject on the table, when Mr. Woodbridge, on request, withdrew his resolution for the present.

On motion of Mr. Curtis, the matter of electing an United States senator was laid on the table, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Greenly,	Mr. McCamly,		8

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Hawkins,	
Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Etheridge,			7

The President announced as unfinished business, the bill to amend chapter two, title six, part two, revised statutes, and on the question whether the same should be engrossed for a third reading, the Senate disagreed thereto, by yeas and nays, as follows :



## YEAS.

Mr. Bradford,	Mr. Górdon,	Mr. M'Camly,
Mr. Cook,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,
Mr. Drake,	Mr. Hawkins,	Mr. Wing,
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,		

16

## NAYS.

0

On motion of Mr. Greenly, the Senate took up the joint resolution sent from the House, in relation to the Ypsilanti and Tecumseh railroad, which was, on motion of Mr. Drake, laid on the table.

The Senate then went into committee of the whole, Mr. Woodbridge in the chair, on the bill in relation to the St. Clair and Romeo railroad company, and after a time spent thereon, the committee rose, and through their chairman reported progress, and obtained leave to sit again.

The Senate then went into committee of the whole, Mr. Wing in the chair, on the bill to amend part one, title seven, chapter four, revised statutes, and after a time spent thereon, the committee rose, and through their chairman reporting progress, obtained leave to sit again.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words :

HOUSE OF REPRESENTATIVES, }  
February 8, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to inform the Senate that the House of Representatives have this day nominated John Biddle for the office of senator to the congress of the United States, in the place of the Hon. Lucius Lyon, whose term expires on the fourth day of March next.

E. J. ROBERTS,

*Clerk House of Representatives.*

Mr. Drake moved that the Senate adjourn.

Mr. Greenly moved to adjourn to Monday next.

Mr. M'Camly moved to adjourn to Tuesday next, but afterwards withdrew the same.

The question being taken on Mr. Greenly's motion, it was agreed to, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	9

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,			7

And the Senate thereupon adjourned to Monday next, the 11th instant.

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MONDAY, FEBRUARY 11.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Bury.

The roll being called, there were absent, Messrs. McCamly and Woodbridge, who afterwards appeared and took their seats.

Mr. Bradford offered the following preamble and resolutions.

Whereas, the nineteenth section of the fourth article of the constitution of this state, provides that "no member of the legislature shall receive any civil appointment from the Governor and Senate, or from the legislature, during the term for which he is elected:"

Whereas, it is evident that the people of this state intended by this provision to embody in their organic law and to ordain as a constitutional principle "the exclusion of members of the legislature from eligibility to office within their own gift:"

Whereas, such a state constitutional enactment does not conflict with any express cession of state sovereignty contained in the constitution of the United States in relation to the office of senator from the state of Michigan in the senate of the United States, but is a rightful exercise of inherent and original state sovereignty never expressly ceded, in relation to an act, the per-

formance of which, viz: the election of a senator of the United States, is expressly reserved by the states to themselves in the constitution of the United States, dictated by considerations of local policy and propriety, within the exclusive jurisdiction and control of the state itself, and appertaining solely to its internal polity as a sovereign and independent state: and,

Whereas, it is at all times sacredly incumbent on the representatives of the people to obey and carry out the will of the people, whether expressed in their permanent organic law, the constitution, in legislative acts, or in simple instructions, by even interpreting the letter and language, according to its spirit and intent; therefore,

*Resolved*, That an election to the office of senator of the United States from the state of Michigan by this legislature is clearly embraced within the letter and spirit of the nineteenth section of the fourth article of the constitution of this state, and is such a "civil appointment by the legislature."

*Resolved*, That no member of either branch of this legislature can be nominated by this senate to the office of senator of the United States, in order to his appointment by the legislature, without a breach of the plain letter, spirit, meaning and intent of the said nineteenth section of the fourth article of the constitution of this state.

Mr. Curtis moved to lay the same on the table.

Mr. Etheridge moved that the same be printed.

Mr. Hawkins moved to print two hundred extra copies.

Mr. Curtis withdrew his motion, but the same was renewed by Mr. Hawkins.

Mr. Cook moved to postpone the whole subject indefinitely.

Mr. Hawkins withdrew his motion to lay on the table and print.

Mr. Harrington renewed the motion to lay the same on the table.

Mr. Bradford renewed the motion to print two hundred extra copies.

The question on laying the preamble and resolutions on the table was then taken, and agreed to, by yeas and nays, as follows:

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. McCamly,
Mr. Drake,	Mr. Harrington,	Mr. Summers,
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge, 12

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Hawkins,
Mr. Cook,		4

The question on printing the same was then taken, and decided in the negative, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,
Mr. Cook,	Mr. Hawkins,	5

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,	Mr. Kingsley,	11

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so altering the law in relation to the acknowledgment of deeds, as to allow all deeds executed and acknowledged in other states, agreeably to the existing laws of such states, to be received for record in this state, and admitted as valid instruments.

Mr. Cook offered the following resolution :

*Resolved*, That the qualifications of persons voting, and those to be voted for as United States senators, are defined by the constitution of the United States and by that alone. And that in the opinion of this Senate, the nineteenth section of the fourth article of the constitution of Michigan, prohibiting members of the legislature from receiving any civil appointment from the Governor and Senate, or from the legislature, during the term for which he is elected, relates only to state officers.

Mr. Cook moved to refer the same to the committee on state affairs.

Mr. Hawkins moved to refer the same to a select committee ; when, on motion of Mr. Kingsley, the resolution was laid on the table.

Mr. Woodbridge presented the memorial of Mr. Kirkland and one hundred and seven others, of Livingston county, concerning the power of congress to abolish slavery, &c. which was referred to the committee on state affairs.

Mr. Gidley presented three several petitions from two hundred and thirty inhabitants of Jackson county, for a charter for the Detroit and St. Joseph railroad bank, which was referred to the committee on incorporations.

The bill "making temporary appropriations," &c. was then read a third time, and was, on motion of Mr. Bradford, re-committed to the committee on finance and ordered to be printed.

The bill entitled of "Of the circuit courts," was then taken up, but on motion of Mr. Bradford, was laid on the table, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Drake,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,	9

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Wing,	
Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		8

On motion of Mr. McCamly,

*Resolved*, That a select committee be appointed to inquire into the constitutionality and expediency of purchasing of the Indians all the lands lying west of Chocolate and Skonawba rivers, in the state of Michigan, and of extending the jurisdiction of the state over all persons living within the state to the west of said river, of making them citizens of the same, and report by bill or otherwise.

Whereupon the President appointed Messrs. McCamly, Woodbridge and Bradford the select committee, in pursuance thereof.

The President announced a message from the House of Representatives by their clerk, Mr. Roberts, in the following words :

*To the President of the Senate,*

Sir: I am instructed by the House of Representatives to return the "bill for the payment of the expenses of the regents of the university in certain cases," and inform the Senate that the committee of conference appointed thereupon reported to the House in favor of retaining the second section as it passed the House of Representatives, and amending the same by adding thereto the words "unless sooner repealed," and the House concurred in their report.

I am also instructed to transmit to the Senate, a "bill to authorize the exemption of certain libraries and other articles from execution," and a "bill to change the name of John F. Kerchefer," and respectfully ask the concurrence of the Senate therein.

Also, to transmit a joint resolution "relative to supplying the library with legislative documents," and respectfully ask the concurrence of the Senate therein.

I am further instructed to return the joint resolution in relation to a marine hospital, and respectfully inform the Senate that the House have concurred therein.

E. J. ROBERTS, *Clerk.*

The Senate did concur in the report by the committee of conference, on the bill "for the payment of the expenses of the regents of the university," and thereupon said bill passed.

The bill "to authorize the exemption of certain libraries." &c. was read twice and referred to the committee on the library.

The bill "to change the name of John F. Kerchefer," was read twice and referred to the committee of the whole.

The joint resolution relative "to supplying the state library with legislative documents," was read twice and ordered to a third reading.

Mr. Harrington called up the bill relative to the "St Clair and Romeo railroad company," but his call was not sustained.

The Senate then went into committee of the whole, Mr. Kingsley in the chair, on the "bill to amend chapter five, title one, part third, of the revised statutes," and after a time spent thereon, the committee rose, and having, through their chairman, reported progress, asked leave to sit again, which was not granted; whereupon, on motion of Mr. Harrington, said bill was re-com-

mitted to the committee on the judiciary, with instructions "to report the act in the laws of one thousand eight hundred and thirty-three, in relation to filing judgments of justices of the peace in the office of the clerk of the circuit courts."

Mr. Gordon moved to take up the matter of election of United States senator, which was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Hawkins,
Mr. Curtis,	Mr. Gordon,	Mr. Kercheval,
Mr. Drake,	Mr. Greenly,	Mr. M'Camly,
Mr. Etheridge,	Mr. Harrington,	Mr. Trowbridge, 12

## NAYS.

Mr. Cook,	Mr. Summers,	Mr. Woodbridge,
Mr. Kingsley,		4

Mr. Curtis then moved that further proceedings in said matter be postponed until Thursday next, the fourteenth instant.

Mr. Greenly moved to postpone until Tuesday week, the nineteenth instant.

Mr. Hawkins moved to postpone the same indefinitely.

The question was about to be taken, when Mr. Curtis withdrew his motion, and moved that the matter of electing a United States senator be laid on the table, which was agreed to, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Cook,	Mr. Harrington,	Mr. McCamly,
Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Etheridge,		10

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Summers,
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge, 6

Mr. Greenly offered the following preamble and resolution:

Whereas, it is prescribed by law that on the first Tuesday of February next before the expiration of the time for which any senator was elected to represent this state in congress, if the le-

gislature then shall be in session, an election shall be held for a senator in congress at the place where the legislature shall then be sitting ; and,

Whereas, no election of such senator was had on that day ; therefore,

*Be it Resolved by the Senate and House of Representatives of the State of Michigan, That the election of such senator shall be commenced on Tuesday, the nineteenth day of February instant, and continued from day to day, whenever either or both houses shall be in session, until such election shall be consummated.*

Said preamble and resolution were, on motion of Mr. Kercheval, laid on the table, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Etheridge,			10

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Harrington,	
Mr. Gidley,	Mr. Greenly,	Mr. Sumners,	6

Mr. Harrington, from the standing committee, reported as correctly enrolled, the joint resolution in relation to the erection of a marine hospital.

On motion of Mr. Bradford,

The Senate adjourned.

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TUESDAY, FEBRUARY 12.

The Senate met, and was called to order by the President.

The roll being called, there was absent Mr. Cook, who afterwards appeared and took his seat.

Mr. Hawkins presented a petition from E. Allen and others, of Jackson county, praying for a state bank ; referred to committee on incorporations.

Mr. Drake, from the committee on finance, who were instructed



to inquire into the expediency of providing by law for the election of county assessors, offered a report adverse, which,

On motion of Mr. Bradford, was laid on the table.

Mr. Summers, from the committee on the library, to whom had been referred the "bill to authorize the exemption of certain libraries," &c., reported the same back without amendment, and the same was ordered to a third reading.

Mr. Gordon, from the committee on the judiciary, to whom had been referred the "bill to amend chapter five, title one, part three, revised statutes, with instructions," &c., reported the same back with amendment, in which the Senate concurred, and the said bill was ordered to be engrossed for a third reading.

Mr. Gordon, from the same committee, reported a "bill to amend chapter one, title ten, part one, revised statutes," which was read twice, referred to committee of the whole, and ordered to be printed.

The President announced a communication from the president of the board of internal improvement, in obedience to a joint resolution of the legislature, approved April 3, 1838. which, with accompanying documents, was referred to the committee on internal improvement.

Mr. Gidley gave notice that he should at some future day ask leave to introduce a bill to authorize Messrs. Spicer & Co. to build a dam across Grand River at Eaton Rapids.

Mr. Kercheval offered the following resolutions:

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That it be recommended to the county commissioners of the county of Wayne to enter into negotiation, without delay, with the collector of the port of Detroit, or with some other person thereto designated by the treasury department of the United States, for the sale and transfer to the United States, for the purpose of a marine hospital of the United States, of the poor house of said county, near the city of Detroit, with the ground and tenements thereto attached.

*And be it further resolved,* That in the opinion of this legislature, the public interests would be eminently promoted by the establishment of a marine hospital at the place aforesaid.

Which resolutions were laid on the table.

Mr. Bradford obtained leave to introduce, in pursuance of previous notice, a bill relative to "levying executions on real estate, and setting off the same at an appraised value."

Messrs. Bradford, Harrington and Etheridge, the committee thereon, having reported the same, said bill was referred to a select committee, consisting of Messrs. Bradford, Drake and Etheridge.

Mr. Gordon presented the remonstrance of J. M. B. Weatherwax and three others, of Calhoun county, "against the enactment of any law which would have a tendency to destroy the already precarious credit of this state," which was laid on the table.

Mr. Hawkins obtained leave to introduce, in pursuance of previous notice, "an act to ascertain and settle damages for flowing lands by the erecting of mill dams."

Messrs. Hawkins, Gordon and Etheridge, committee thereon, having reported said bill, the same was read twice, referred to the committee on the judiciary, and ordered to be printed.

Mr. Harrington offered the following preamble and resolution, which were laid on the table:

Whereas, it has been represented by the acting commissioner and chief engineer on the northern railroad in this state, that the most eligible and proper place for a depot on the eastern end thereof is on an Indian reserve recently ceded to the United States by treaty; and whereas, the said land is now advertised by the United States to be sold at public sale on the thirtieth day of May next; therefore,

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the governor of this state be and he is hereby authorized to employ an agent to purchase, at the sale of said land, two acres thereof for a depot of said road, which said land, so to be purchased, shall be paid for out of the internal improvement fund of this state.

The President announced a message from the Governor, by Mr. Jackson, his private secretary, informing the Senate that the Governor was ready to send in his nomination to the office of superintendent of public instruction, as soon as a joint committee should be appointed by the legislature.

A committee from the House of Representatives was announ-

ced, who informed the Senate that the House would, at twelve o'clock to-day, meet the Senate in the hall of the House of Representatives, to receive and act upon such nomination as the Governor might make for superintendent of public instruction.

On motion of Mr. Bradford, the President appointed Messrs. Bradford and Kercheval a select committee to inform the House of Representatives that the Senate were not prepared to act on the subject, which committee accordingly discharged said duty.

The President announced the following message from the Governor :

EXECUTIVE DEPARTMENT, }  
February 12, 1839.

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State, "A joint resolution in relation to a marine hospital."

STEVENS T. MASON.

The House bill "to exempt from execution certain libraries," &c., was read a third time and passed.

The bill "to amend chapter five, title one, part three, revised statutes," was read a third time and laid on the table.

The Senate went into committee of the whole, Mr. Gordon in the chair, on the "bill to authorize Giles B. Kellogg," &c., and after a time the committee rose, and having through their chairman reported the bill back without amendment, the committee were discharged from further consideration of the subject, and the bill was laid on the table.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, in the following words :

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that they have passed a bill "relative to the records of the court of probate for the county of Cass," and a joint resolution "relative to the rights of the foreign emigrants," and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS, Clerk.

The bill relative "to the records of the court of probate for the county of Cass," was read twice and referred to the committee on the judiciary.

The joint resolution relative "to the rights of foreign emigrants," was read and adopted.

Mr. Kercheval offered the following resolution, which was laid on the table :

*Resolved*, That the committee on finance be instructed to inquire into the expediency of transferring to the general fund of this state, from the internal improvement fund, the amount loaned by the state to said internal improvement fund, from the surplus revenue and the five per cent fund, by an act entitled "An act to provide for the disposal of the surplus revenue and five per cent fund and for other purposes," approved March 22d, 1837.

Mr. Gordon called up the preamble and resolution submitted by Mr. Bradford, and the previous question being taken on their consideration, it was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Kingsley,	
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,		14

## NAYS.

Mr. Bradford,	Mr. Woodbridge,	2
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Whereupon, the resolutions and preamble being separately considered, were not agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,		5

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		11

Yeas and nays on second resolution :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,		5

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		11

Yeas and nays on preamble :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,		5

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		11

On motion of Mr. Gordon, the Senate then proceeded to the matter of electing an United States Senator.

Whereupon, the Senate proceeded to the sixteenth trial, which resulted as follows :

## FOR E. RANSOM.

Mr. Bradford,		1
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## FOR L. LYON.

Mr. Cook,		1
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## FOR K. S. BINGHAM.

Mr. Curtis,		1
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## FOR J. BIDDLE.

Mr. Drake,	Mr. Gordon,	2
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## FOR R. MANNING.

Mr. Etheridge,		1
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## FOR D. S. BACON.

Mr. Gidley,		1
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## FOR W. WING.

Mr. Greenly,	Mr. Kercheval,	Mr. Summers,	
Mr. Hawkins,	Mr. Kingsley,	Mr. Trowbridge,	6

## FOR W. A. FLETCHER.

Mr. Harrington,		1
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## FOR A. FELCH.

Mr. McCamly,		1
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FOR D. G. JONES.

Mr. Woodbridge,

1

On motion of Mr. Bradford, the Senate adjourned.

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## WEDNESDAY, FEBRUARY 13.

The Senate met, and was called to order by the President.

Prayer by the Right Rev. Bishop McCoskry.

The roll being called, there were absent, Messrs. Bradford, Summers, Wing and Woodbridge, who afterwards appeared and took their seats.

Mr. Kingsley, from the committee on internal improvement, reported "A bill to provide for the further construction of certain works of internal improvement ;" referred to committee of the whole, and ordered to be printed.

Mr. Kingsley, from same committee, reported back with amendment, the bill to incorporate the Detroit and Ore Creek canal company, which was laid on the table, and ordered to be printed.

Mr. Drake, from the committee on finance, reported back with amendments, "A bill making appropriations to John S. Bagg, state printer," which was laid on the table, and the amendments ordered to be printed.

Mr. Bradford offered the following protest, signed by Messrs. Bradford, Etheridge and McCamly, and leave was granted that the same be entered on the journals of the Senate.

The undersigned, respectfully enter their protest against the vote of the Senate yesterday, (Tuesday, February 12,) rejecting the preamble and resolutions offered by Mr. Bradford, declaring the ineligibility of a member of the legislature to any office within the gift of the legislature, whether it be that of a senator of the United States, or any other civil appointment : and they assign the following reasons for their protest :—They regard the constitution of the United States, as framed, ratified and accepted by the people of the several states of the Union, in their separate capacity, as independent and sovereign states. They conceive that

all right and power incidental to popular sovereignty in the respective states are retained, unless expressly ceded and granted by the states in the constitution of the United States to the creature of their own formation, possessed only of restricted and delegated sovereignty—the government of the United States.

They perceive, by an examination of the first clause of the third section of the first article of the constitution of the United States, that the election of senators of the United States from the respective states, is expressly given to the legislatures of those states. It appears to them to be a natural consequence thereof, that the respective states possess the right and power appertaining to their respective sovereignties of regulating by their respective constitutions and laws, the exercise and performance of this act, by so designating the character and qualifications of the persons to be chosen as their representatives in the senate of the United States, as may appear to them to be required by their local policy or interest. This is an inherent and original right, inseparable from a control over the gift of the office or an election of a person to fill it.

They admit that this sovereign right and power may be expressly abridged or limited by any express words of cession, that may be found in the constitution of the United States. On examination of that constitution, for the purpose of ascertaining whether any such abridgement or limitation by express cession has been permitted, they find only the following language of abridgement or limitation, in the third clause of the third section of the first article of the constitution of the United States, viz :

“No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.”

This is all relating to the qualifications of a senator of the United States that is contained in the constitution of the United States—all of abridgement or limitation of the necessary original and inherent right appertaining to and possessed by the sovereignty of the respective states over their own proper act, the election by them of senators of the United States, that they can find, has been granted by express cession by the respective states.

All that is not expressly ceded, being reserved and retained, they have no difficulty in concluding that if there be any other qualifications which it may be considered proper and necessary by the respective states, in the exercise of their sovereignty, to affix to their choice of such senators, such qualifications they can attach by their respective laws or constitutions.

They admit that such qualifications must not be inconsistent with, or repugnant to the qualifications mentioned in the constitution of the United States. They believe that this provision of the constitution of the United States is in words of negation of the sovereign power possessed by the several states, only to the extent of the qualifications therein expressly mentioned. Beyond that there is no language of negation or exclusion of other qualifications, which the several states may choose to provide for the regulation of their own act, viz: the election of senators of the United States. If, therefore, it be deemed necessary by any state, to its internal peace, order, well being, dignity or safety, to provide, that no felon, black, or member of its legislature, shall be eligible to the office of senator of the United States by its legislature, they can so constitutionally or otherwise ordain or enact.

They find themselves sustained in this position by the long and well settled practice and usage of many of the states of the Union, in affixing other qualifications, than those mentioned in the constitution of the United States, to the choice of representatives in congress by the people of those states, as for example :

Many of the States require as a qualification of their representatives to congress, that they shall reside in the representative district for which they are elected.

Now no such qualification is found expressed in the second clause of the second section of the first article of the constitution of the United States, relating to representatives in congress, which is in the following words, viz :

"No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the state in which he shall be chosen."

The cases are exactly parallel, and therefore this usage of the states is cited in illustration of the position assumed by the under-



signed in this protest. Being thus clearly possessed of this sovereign power and right, the people of this state have, as the undersigned are convinced, manifestly exercised it by providing in the nineteenth section of the fourth article of the constitution of this state, "That no member of the legislature shall be eligible to any civil appointment within the gift of the legislature of the state."

The preamble and resolutions rejected by the Senate, were in affirmance of this provision of the constitution of Michigan, and the undersigned regard it as a sacred duty which they owe to themselves, and the people of the state, thus solemnly to protest against a serious infraction of the constitution of the state by this vote of the Senate. They desire their protest to be entered on the journals of the Senate.

VINCENT L. BRADFORD,  
SAMUEL ETHERIDGE,  
SANDS McCAMLY.

*Senate Chamber, Feb. 13, 1839.*

Mr. Gidley obtained leave to introduce, in pursuance of previous notice, "An act authorizing the building of a certain dam therein named." Messrs. Gidley, Cook and Curtis, having reported said bill, the same was read twice and laid on the table.

Mr. Cook laid the following resolution on the table :

*Resolved*, (if the honorable the house of Representatives concur herein,) That a joint committee of two from the Senate and three from the House of Representatives be appointed to examine and state the amount claimed to be due from the state to James B. Hunt, Esq., acting commissioner, for moneys paid by him for the state and allowed by the board of commissioners, but not audited by the Auditor General, and also in relation to the special deposite money loaned by him to certain banks and individuals, and that they report by bill or otherwise.

Mr. Cook called up for consideration his resolution relative to the election of United States senator, laid on the table on the eleventh instant, and the same was referred to committee on state affairs.

The joint resolution relative to supplying library with documents, was read a third time and passed.

On motion of Mr. Harrington, the Senate took up the matter of electing an United States senator, and this being the seventeenth trial, resulted as follows :

## FOR W. WING.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,			10

## FOR J. BIDDLE.

Mr. Drake,	Mr. Hawkins,		2
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## FOR E. RANSOM.

Mr. Bradford,			1
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## FOR J. D. PIERCE.

Mr. Etheridge,			1
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## FOR A. FELCH.

Mr. M'Camly,			1
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## FOR D. G. JONES.

Mr. Woodbridge,			1
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The President thereupon announced that Warner Wing had been duly nominated by the Senate for the office of United States senator from Michigan, to succeed Lucius Lyon, whose term of service expires on the fourth day of March next.

Mr. Harrington, offered the following resolution :

Whereas, it appears that the Senate and House of Representatives have disagreed in the nomination of a person for the office of senator in congress ; therefore,

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the Senate will meet the House of Representatives, (the House concurring herein,) and go into joint vote for the election of senator in congress, on Thursday, the fourteenth day of February instant, at twelve o'clock of that day.*

Mr. Hawkins offered the following as an amendment thereto, to strike out all after the word " resolved," and insert :

" That the Secretary of the Senate inform the House that they have put in nomination on the part of the Senate, Warner Wing,

for the office of senator in the United States senate, in the place of Lucius Lyon, whose term of office expires on the fourth of March next, and are now ready to compare nominations agreeably to law.

After considerable discussion, Mr. Harrington withdrew his resolution ; whereupon, leave was granted to Messrs. Bradford, Etheridge and McCamly to enter the following protest on the journals of the Senate.

The undersigned enter their protest against the recent nomination by the Senate of Warner Wing, a member of this Senate, to the senate of the United States, on the ground that such nomination is a manifest violation of the letter and spirit of the nineteenth section of the fourth article of the constitution of this state, declaring the non-eligibility of a member of the legislature, to any office in the gift of the legislature.

VINCENT L. BRADFORD,  
SAMUEL ETHERIDGE,  
SANDS McCAMLY.

*February 13, 1839.*

On motion of Mr. Bradford, the Senate agreed to adjourn, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,

9

NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Summers,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,		

7

Whereupon the Senate adjourned.

## THURSDAY, FEBRUARY 14.

The Senate met, and was called to order by the President.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there were absent, Messrs. Cook and Gidley, who afterwards appeared and took their seats.

Mr. Bradford presented the petition of eighty citizens of Berrien county, praying for appropriations on the western end of the southern rail road: which was referred to committee on internal improvement.

The President announced a message from the House of Representatives by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
February 13, 1839. }

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to inform the Senate that they have passed a joint resolution “providing for the payment of certain witnesses, who attended on the committee last year, concerning the location of the northern and southern railroad,” and a joint resolution “relative to the basement rooms of the capitol,” and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The joint resolution “providing for the payment of certain witnesses, &c.” was read twice, and referred to committee on judiciary.

The joint resolution “relative to the basement rooms of the capitol,” was read twice, and referred to committee on state affairs.

Mr. Bradford, from select committee, reported back without amendment, the “bill for abolishing imprisonment for debt.”

On motion of Mr. Curtis,

Said bill was, by yeas and nays, as follows, referred to committee on the judiciary.

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. M'Camly,
Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge, 12

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Wing,
Mr. Drake,	Mr. Kingsley,	5

Mr. Drake offered the following resolution :

*Resolved,* That the committee on state affairs be instructed to inquire how far the Legislature, by any vote or resolution, directed the commissioner authorized to revise the laws, to provide for the abolishment of imprisonment for debt, and to report how far that commissioner has obeyed any legislative instructions given to him on that subject, and if he did not obey the instructions, what causes led to that disobedience.

After discussion, Mr. Drake withdrew the same, and offered the following :

*Resolved,* That the committee on internal improvement be instructed to inquire into the expediency of providing for the improvement of the Flint river, and that part of the Saginaw road lying between Flint and Saginaw rivers, and that they report by bill or otherwise.

To which Mr. Bradford offered an amendment as follows :

Also that they be instructed to inquire into the propriety of directing the commissioners of internal improvement to expend a portion of the appropriations to be made for the central and southern railroads on the western ends of such roads respectively, and also on the St. Joseph river.

To which amendment the Senate agreed.

The question recurring on the resolution, as amended, the same was adopted by the Senate.

Mr. Bradford moved that the committee of the whole be discharged from further consideration of the appropriation bill, reported by Mr. Kingsley, and the same be referred to committee on internal improvement, which motion was laid on the table, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,  
Mr. Gidley,  
Mr. Gordon,  
Mr. Harrington,

Mr. Hawkins,  
Mr. Kercheval,  
Mr. Kingsley,

Mr. Summers,  
Mr. Trowbridge,  
Mr. Woodbridge,

10

## NAYS.

Mr. Bradford,  
Mr. Drake,

Mr. Etheridge,

Mr. Greenly,

4

Mr. Cook gave notice that on some future day he would ask leave to bring in a bill, to authorize the commissioners of the county of Oakland, to borrow a sum of money therein named for the use of said county.

A committee from the House of Representatives, consisting of Messrs. Hammond and Adam, announced that the House were now ready to meet the Senate in joint convention, for the purpose of electing an U. S. Senator, to succeed Lucius Lyon, and suggesting half past eleven o'clock A. M., this day, as the time of meeting.

Mr. Drake thereupon offered the following :

*Resolved*, That a committee be appointed to inform the House of Representatives that the Senate will meet, (the House concurring) in joint convention, at half past eleven o'clock, this day, in the representative hall, for the purpose of electing a Senator, to the United States Senate, to fill the place of Lucius Lyon, whose term of service will expire on the fourth of March next.

The Senate agreeing thereto, by yeas and nays as follows :

## YEAS.

Mr. Cook,  
Mr. Curtis,  
Mr. Drake,  
Mr. Gidley,

Mr. Gordon,  
Mr. Greenly,  
Mr. Harrington,  
Mr. Hawkins,

Mr. Kercheval,  
Mr. Kingsley,  
Mr. Summers,  
Mr. Trowbridge, 12

## NAYS.

Mr. Bradford,  
Mr. Etheridge,

Mr. M'Camly,

Mr. Woodbridge,

4

The President appointed Messrs. Drake and Kercheval, a committee in pursuance thereof, who accordingly discharged said duty.

The President announced a message from the Governor, by Mr. Jackson, his private secretary, as follows :

*To the Senate :*

I have this day approved, and filed in the office of the Secretary of State, "An act to provide for the payment of the expenses of the regents of the university in certain cases," "An act to authorize the exemption of certain libraries and other articles from execution," and "A joint resolution relative to the right of expatriation."

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
February 14th, 1839. }

Mr. Drake offered the following resolution, which was, on motion of Mr. Gidley, laid on the table.

*Resolved*, That the committee on finance be instructed to inquire into the expediency of providing by law for retaining in the treasury, as a part of the internal improvement fund, the amount of money credited to Marshall, Kalamazoo and Allegan railroad company; also, all that portion of money credited to the Ypsilanti and Tecumseh railroad company, not yet drawn for by the Auditor General.

Mr. Drake moved to add an additional member to the committee appointed to investigate loans made by the board of internal improvement, which was agreed to.

The Senate then rose, proceeded to the hall, and met the House of Representatives in joint convention.

#### IN JOINT CONVENTION.

The Speaker of the House of Representatives called the convention to order, and announced that the Senate and House having exchanged communications, it appeared that they had disagreed in their nomination, and they would now proceed to the election of a United States senator in joint convention.

There being a call of both houses, all the members of the Senate were present, and all the members of the House of Representatives were present, except Mr. Levake.

On motion, the convention then proceeded to an election, viva voce, of an United States senator from Michigan, to succeed Lucious Lyon, whose term of service will expire on the fourth of March next.

The Secretary of the Senate then calling the names of the senators, they severally rose in their places and voted as follows :

## FOR W. WING.

Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,			7

## FOR J. BIDDLE.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,		5

## FOR R. MANNING.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	3
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## FOR W. A. FLETCHER.

Mr. Wing,			1
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## FOR D. G. JONES.

Mr. Woodbridge,			1
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The clerk of the House then calling the names of the Representatives, they severally rose in their places and voted as follows :

## FOR J. BIDDLE.

Mr. Acker,	Mr. Hooker,	Mr. Near,	
Mr. L. Allen,	Mr. Jennings,	Mr. Newton,	
Mr. Bacon,	Mr. King,	Mr. Ormsby,	
Mr. Brown,	Mr. Lowry,	Mr. Pierce,	
Mr. Copeland,	Mr. Little,	Mr. Renwick,	
Mr. Davis,	Mr. Mack,	Mr. Stout,	
Mr. Hammond,	Mr. Meacham,	Mr. Tucker,	
Mr. Howland,	Mr. Mead,		23

## FOR W. WING.

Mr. Adam,	Mr. Durocher,	Mr. McKee,	
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Saunders,	
Mr. Axford,	Mr. Gibbs,	Mr. Seely,	
Mr. Chapin,	Mr. Goodwin,	Mr. Smith,	
Mr. Clark,	Mr. Grovier,	Mr. Speaker,	
Mr. Decker,	Mr. Livermore,	Mr. Tackels,	18

## FOR R. MANNING.

Mr. Beaufait,	Mr. Eaton,	Mr. Sheldon,	
Mr. Chase,	Mr. Finney,	Mr. Shurtz,	
Mr. Dort,	Mr. Pond,	Mr. Wixom,	9



## FOR A. FELCH.

Mr. Patterson, 1

There being no election, a second vote was taken, which resulted, as follows :

*(Senators.)*

## FOR W. WING.

Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,			7

## FOR J. BIDDLE.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,		5

## FOR R. MANNING.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	3
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## FOR W. A. FLETCHER.

Mr. Wing,			1
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## FOR D. G. JONES.

Mr. Woodbridge,			1
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*(Representatives.)*

## FOR J. BIDDLE.

Mr. Acker,	Mr. Hooker,	Mr. Near,	
Mr. L. Allen,	Mr. Jennings,	Mr. Newton,	
Mr. Bacon,	Mr. King,	Mr. Ormsby,	
Mr. Brown,	Mr. Lowry,	Mr. Pierce,	
Mr. Copeland,	Mr. Little,	Mr. Renwick,	
Mr. Davis,	Mr. Mack,	Mr. Stout,	
Mr. Hammond,	Mr. Meacham,	Mr. Tucker,	
Mr. Howland,	Mr. Mead,		23

## FOR W. WING.

Mr. Adam,	Mr. Durocher,	Mr. McKee,	
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Saunders,	
Mr. Axford,	Mr. Gibbs,	Mr. Seeley,	
Mr. Chapin,	Mr. Goodwin,	Mr. Smith,	
Mr. Clark,	Mr. Grovier,	Mr. Speaker,	
Mr. Decker,	Mr. Livermore,	Mr. Tackles,	18

## FOR R. MANNING.

Mr. Beaufait,	Mr. Finney,	Mr. Sheldon,	
Mr. Chase,	Mr. Patterson,	Mr. Shurtz,	
Mr. Dort,	Mr. Pond,	Mr. Wixom,	
Mr. Eaton,			10

There being no election, a third vote was taken, which resulted as follows :

*(Senators.)*

## FOR W. WING.

Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,			7

## FOR J. BIDDLE.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	6

## FOR R. MANNING.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	3
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## FOR W. A. FLETCHER,

Mr. Wing,			1
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*(Representatives.)*

## FOR W. WING.

Mr. Adam,	Mr. Durocher,	Mr. McKee,	
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Saunders,	
Mr. Axford,	Mr. Gibbs,	Mr. Secley,	
Mr. Chapin,	Mr. Goodwin,	Mr. Smith,	
Mr. Clark,	Mr. Grovier,	Mr. Speaker,	
Mr. Decker,	Mr. Livermore,	Mr. Tackles,	19

## FOR J. BIDDLE.

Mr. Acker,	Mr. Hooker,	Mr. Near,	
Mr. L. Allen,	Mr. Jennings,	Mr. Newton,	
Mr. Bacon,	Mr. King,	Mr. Ormsby,	
Mr. Brown,	Mr. Lowry,	Mr. Pierce,	
Mr. Copeland,	Mr. Little,	Mr. Renwick,	
Mr. Davis,	Mr. Mack,	Mr. Stout,	
Mr. Hammond,	Mr. Meacham,	Mr. Tucker,	
Mr. Howland,	Mr. Mead,		23

## FOR R. MANNING.

Mr. Beaufait,	Mr. Finney,	Mr. Sheldon,
Mr. Chase,	Mr. Patterson,	Mr. Shurtz,
Mr. Dort,	Mr. Pond,	Mr. Wixom,
Mr. Eaton,		10

A motion to adjourn being made, the same was lost, by the following vote :

*(Senators.)*

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Woodbridge,	3
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## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,
Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,		13

*(Representatives.)*

## YEAS.

Mr. Adam,	Mr. Finney,	Mr. Shurtz,
Mr. Beaufait,	Mr. Goodwin,	Mr. Smith,
Mr. Chase,	Mr. McKee,	Mr. Speaker,
Mr. Clark,	Mr. Patterson,	Mr. Tackles,
Mr. Decker,	Mr. Pond,	Mr. Wixom,
Mr. Eaton,	Mr. Sheldon,	17

## NAYS.

Mr. Acker,	Mr. Gibbs,	Mr. Meacham,
Mr. A. Allen,	Mr. Grovier,	Mr. Mead,
Mr. L. Allen,	Mr. Hammond,	Mr. Near,
Mr. Axford,	Mr. Howland,	Mr. Newton,
Mr. Bacon,	Mr. Hooker,	Mr. Ormsby,
Mr. Brown,	Mr. Jennings,	Mr. Pierce,
Mr. Chapin,	Mr. King,	Mr. Renwick,
Mr. Copeland,	Mr. Lowry,	Mr. Saunders,
Mr. Davis,	Mr. Little,	Mr. Seeley,
Mr. Dort,	Mr. Livermore,	Mr. Stout,
Mr. Durocher,	Mr. Mack,	Mr. Tucker,
Mr. Fitzgerald,		34

The convention then proceeded to a joint vote, which resulted as follows :

*(Senators.)*

**FOR W. WING.**

Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,			7

**FOR J. BIDDLE.**

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,		5

**FOR R. MANNING.**

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	3
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**FOR W. A. FLETCHER.**

Mr. Wing,			1
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**FOR D. G. JONES.**

Mr. Woodbridge,			1
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*(Representatives.)*

**FOR W. WING.**

Mr. Adam,	Mr. Durocher,	Mr. McKee,	
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Saunders,	
Mr. Axford,	Mr. Gibbs,	Mr. Seeley,	
Mr. Chapin,	Mr. Gordon,	Mr. Smith,	
Mr. Clark,	Mr. Grovier,	Mr. Speaker,	
Mr. Decker,	Mr. Livermore,	Mr. Tackles,	18

**FOR J. BIDDLE.**

Mr. Acker,	Mr. Hooker,	Mr. Near,	
Mr. L. Allen,	Mr. Jennings,	Mr. Newton,	
Mn. Bacon,	Mr. King,	Mr. Ormsby,	
Mr. Brown,	Mr. Lowry,	Mr. Pierce,	
Mr. Copeland,	Mr. Little,	Mr. Renwick,	
Mr. Davis,	Mr. Mack,	Mr. Stout,	
Mr. Hammond,	Mr. Meacham,	Mr. Tucker,	
Mr. Howland,	Mr. Mead,		23

## FOR R. MANNING.

Mr. Beaufait,	Mr. Finney,	Mr. Sheldon,
Mr. Chase,	Mr. Patterson,	Mr. Shurtz,
Mr. Dort,	Mr. Pond,	Mr. Wixom,
Mr. Eaton,		

10

A motion to adjourn being made, the same was lost, by the following vote :

*(Senators.)*

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Woodbridge, 3
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## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,
Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,		

13

*(Representatives.)*

## YEAS.

Mr. Beaufait,	Mr. Goodwin,	Mr. Sheldon,
Mr. Chase,	Mr. Grovier,	Mr. Shurtz,
Mr. Clark,	Mr. King,	Mr. Smith,
Mr. Decker,	Mr. McKee,	Mr. Speaker,
Mr. Dort,	Mr. Patterson,	Mr. Tackles,
Mr. Eaton,	Mr. Pond,	Mr. Wixom,
Mr. Finney,	Mr. Seeley,	

20

## NAYS.

Mr. Acker,	Mr. Fitzgerald,	Mr. Meacham,
Mr. Adam,	Mr. Gibbs,	Mr. Mead,
Mr. A. Allen,	Mr. Hammond,	Mr. Near,
Mr. L. Allen,	Mr. Howland,	Mr. Newton,
Mr. Axford,	Mr. Hooker,	Mr. Ormsby,
Mr. Bacon,	Mr. Jennings,	Mr. Pierce,
Mr. Brown,	Mr. Lowry,	Mr. Renwick,
Mr. Chapin,	Mr. Little,	Mr. Saunders,
Mr. Copeland,	Mr. Livermore,	Mr. Stout,
Mr. Davis,	Mr. Mack,	Mr. Tucker,
Mr. Durocher,		

31

The convention then proceeded to a fifth vote, which resulted as follows :

*(Senators.)*

FOR W. WING.

Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,			7

FOR J. BIDDLE.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,		5

FOR R. MANNING.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	3
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FOR W. A. FLETCHER.

Mr. Wing,			1
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FOR D. G. JONES.

Mr. Woodbridge,			1
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*(Representatives.)*

FOR W. WING.

Mr. Adam,	Mr. Durocher,	Mr. McKee,	
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Saunders,	
Mr. Axford,	Mr. Gibbs,	Mr. Seeley,	
Mr. Chapin,	Mr. Goodwin,	Mr. Smith,	
Mr. Clark,	Mr. Grovier,	Mr. Speaker,	
Mr. Decker,	Mr. Livermore,	Mr. Tackels,	18

FOR J. BIDDLE.

Mr. Acker,	Mr. Hooker,	Mr. Near,	
Mr. L. Allen,	Mr. Jennings,	Mr. Newton,	
Mr. Bacon,	Mr. King,	Mr. Ormsby,	
Mr. Brown,	Mr. Lowry,	Mr. Pierce,	
Mr. Copeland,	Mr. Little,	Mr. Renwick,	
Mr. Davis,	Mr. Mack,	Mr. Stout,	
Mr. Hammond,	Mr. Meacham,	Mr. Tucker,	
Mr. Howland,	Mr. Mead,		23

## FOR R. MANNING.

Mr. Beaufait,	Mr. Finney,	Mr. Sheldon,
Mr. Chase,	Mr. Patterson,	Mr. Shurtz,
Mr. Dort,	Mr. Pond,	Mr. Wixom,
Mr. Eaton,		10

A motion to adjourn being made, the same was lost by the following vote :

*(Senators.)*

## YEAS.

Mr. Bradford,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Etheridge,	Mr. McCamly,	5

## NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Kercheval,
Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gidley,	Mr. Hawkins,	11

*(Representatives.)*

## YEAS.

Mr. Adam,	Mr. Eaton,	Mr. Patterson,
Mr. A. Allen,	Mr. Finney,	Mr. Pond,
Mr. Beaufait,	Mr. Goodwin,	Mr. Seeley,
Mr. Chapin,	Mr. Grovier,	Mr. Sheldon,
Mr. Chase,	Mr. Hooker,	Mr. Shurtz,
Mr. Clark,	Mr. King,	Mr. Smith,
Mr. Decker,	Mr. Livermore,	Mr. Speaker,
Mr. Dort,	Mr. McKee,	Mr. Wixom,
		24

## NAYS.

Mr. Acker,	Mr. Gibbs,	Mr. Near,
Mr. L. Allen,	Mr. Hammond,	Mr. Newton,
Mr. Axford,	Mr. Howland,	Mr. Ormsby,
Mr. Bacon,	Mr. Jennings,	Mr. Pierce,
Mr. Brown,	Mr. Lowry,	Mr. Renwick,
Mr. Copeland,	Mr. Little,	Mr. Saunders,
Mr. Davis,	Mr. Mack,	Mr. Stout,
Mr. Durocher,	Mr. Meacham,	Mr. Tackles,
Mr. Fitzgerald,	Mr. Mead,	Mr. Tucker,
		27

The convention then proceeded to a sixth vote, which resulted as follows :

*(Senators.)*

FOR W. WING.

Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,			7

FOR J. BIDDLE.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,		5

FOR R. MANNING.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	3
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FOR W. A. FLETCHER.

Mr. Wing,			1
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FOR D. G. JONES.

Mr. Woodbridge,			1
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*(Representatives.)*

FOR W. WING.

Mr. Adam,	Mr. Durocher,	Mr. McKee,	
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Saunders,	
Mr. Axford,	Mr. Gibbs,	Mr. Seeley,	
Mr. Chapin,	Mr. Goodwin,	Mr. Smith,	
Mr. Clark,	Mr. Grovier,	Mr. Speaker,	
Mr. Decker.	Mr. Livermore,	Mr. Tackels,	18

FOR J. BIDDLE.

Mr. Acker,	Mr. Hooker,	Mr. Near,	
Mr. L. Allen,	Mr. Jennings,	Mr. Newton,	
Mr. Bacon,	Mr. King,	Mr. Ormsby,	
Mr. Brown,	Mr. Lowry,	Mr. Pierce,	
Mr. Copeland,	Mr. Little,	Mr. Renwick,	
Mr. Davis,	Mr. Mack,	Mr. Stout,	
Mr. Hammond,	Mr. Meacham,	Mr. Tucker,	
Mr. Howland,	Mr. Mead,		23



## FOR R. MANNING.

Mr. Beaufait,	Mr. Finney,	Mr. Sheldon,
Mr. Chase,	Mr. Patterson,	Mr. Shurtz,
Mr. Dort,	Mr. Pond,	Mr. Wixom,
Mr. Eaton,		

10

A motion being made to adjourn, the same was lost, by the following vote :

*(Senators.)*

## YEAS.

Mr. Bradford,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Etheridge,	Mr. McCamly,	

5

## NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Kercheval,
Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gidley,	Mr. Hawkins,	

11

*(Representatives.)*

## YEAS.

Mr. Adam,	Mr. Finney,	Mr. Patterson,
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Pond,
Mr. Beaufait,	Mr. Gibbs,	Mr. Sceley,
Mr. Chapin,	Mr. Goodwin,	Mr. Sheldon,
Mr. Chase,	Mr. Grover,	Mr. Shurtz,
Mr. Clark,	Mr. King,	Mr. Smith,
Mr. Decker,	Mr. Livermore,	Mr. Speaker,
Mr. Dort,	Mr. McKee,	Mr. Wixom,
Mr. Eaton,		

25

## NAYS.

Mr. Acker,	Mr. Howland,	Mr. Newton,
Mr. L. Allen,	Mr. Hoker,	Mr. Ormsby,
Mr. Axford,	Mr. Jennings,	Mr. Pierce,
Mr. Bacon,	Mr. Lowry,	Mr. Renwick,
Mr. Brown,	Mr. Little,	Mr. Saunders,
Mr. Copeland,	Mr. Mack,	Mr. Stout,
Mr. Davis,	Mr. Macham,	Mr. Tackels,
Mr. Durocher,	Mr. Mead,	Mr. Tucker,
Mr. Hammond,	Mr. Near,	

26

The motion to adjourn being again made after debate, the same was lost, by the following vote :

(*Senators.*)

YEAS.

Mr. Bradford,  
Mr. Etheridge,

Mr. Kingsley,

Mr. Woodbridge,

4

NAYS.

Mr. Cook,  
Mr. Curtis,  
Mr. Drake,  
Mr. Gidley,

Mr. Gordon,  
Mr. Greenly,  
Mr. Harrington,  
Mr. Hawkins,

Mr. Kercheval,  
Mr. McCamly,  
Mr. Summers,  
Mr. Trowbridge, 12

(*Representatives.*)

YEAS.

Mr. Adam,  
Mr. A. Allen,  
Mr. Beaufait,  
Mr. Chapin,  
Mr. Chase,  
Mr. Clark,  
Mr. Decker,  
Mr. Dort,

Mr. Eaton,  
Mr. Finney.  
Mr. Gibbs,  
Mr. Goodwin,  
Mr. Grovier,  
Mr. King,  
Mr. Livermore,  
Mr. McKee,

Mr. Patterson,  
Mr. Pond,  
Mr. Seeley,  
Mr. Sheldon,  
Mr. Shurtz,  
Mr. Smith,  
Mr. Speaker,  
Mr. Wixom, 24

NAYS.

Mr. Acker,  
Mr. L. Allen,  
Mr. Axford,  
Mr. Bacon,  
Mr. Brown,  
Mr. Copeland,  
Mr. Davis,  
Mr. Durocher,  
Mr. Fitzgerald,

Mr. Hammond,  
Mr. Howland,  
Mr. Hooker,  
Mr. Jennings,  
Mr. Lowry,  
Mr. Little,  
Mr. Mack,  
Mr. Meacham,  
Mr. Mead,

Mr. Near,  
Mr. Newton,  
Mr. Ormsby,  
Mr. Pierce,  
Mr. Renwick,  
Mr. Saunders,  
Mr. Stout,  
Mr. Tackels,  
Mr. Tucker, 27

A motion was made to proceed to a seventh vote, and the same was agreed to, as follows :

(Senators.)

YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,			13

NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Woodbridge,	3
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(Representatives.)

YEAS.

Mr. Acker,	Mr. Gibbs,	Mr. Newton,	
Mr. Adam,	Mr. Hammond,	Mr. Ormsby,	
Mr. A. Allen,	Mr. Howland,	Mr. Patterson,	
Mr. L. Allen,	Mr. Hooker,	Mr. Pierce,	
Mr. Axford,	Mr. Jennings,	Mr. Renwick,	
Mr. Bacon,	Mr. Lowry,	Mr. Saunders,	
Mr. Brown,	Mr. Little,	Mr. Smith,	
Mr. Chapin,	Mr. Mack,	Mr. Speaker,	
Mr. Copeland,	Mr. Meacham,	Mr. Stout,	
Mr. Davis,	Mr. Mead,	Mr. Tackels,	
Mr. Durocher,	Mr. McKee,	Mr. Tucker,	
Mr. Fitzgerald,	Mr. Near,		35

NAYS.

Mr. Beaufait,	Mr. Eaton,	Mr. Pond,	
Mr. Chase,	Mr. Finney,	Mr. Seeley,	
Mr. Clark,	Mr. Goodwin,	Mr. Sheldon,	
Mr. Decker,	Mr. Grovier,	Mr. Shurtz,	
Mr. Dort,	Mr. Livermore,	Mr. Wixom,	46

Whereupon, a motion was made to adjourn, *sine die*, which was disagreed to, as follows :

(Senators.)

YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Woodbridge,	
Mr. Cook,			4

NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,	
Mr. Drake,	Mr. Harrington,	Mr. McCamly,	
Mr. Gidley,	Mr. Hawkins,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	12

*(Representatives.)*

## YEAS.

Mr. Beaufait,	Mr. Finney,	Mr. Pond,
Mr. Chase,	Mr. Goodwin,	Mr. Seeley,
Mr. Clark,	Mr. Grovier,	Mr. Sheldon,
Mr. Decker,	Mr. Livermore,	Mr. Shurtz,
Mr. Dort,	Mr. McKee,	Mr. Wixom,
Mr. Eaton,	Mr. Patterson,	

17

## NAYS.

Mr. Acker,	Mr. Fitzgerald,	Mr. Near,
Mr. Adam,	Mr. Gibbs,	Mr. Newton,
Mr. A. Allen,	Mr. Hammond,	Mr. Ormsby,
Mr. L. Allen,	Mr. Howland,	Mr. Pierce,
Mr. Axford,	Mr. Hooker,	Mr. Renwick,
Mr. Bacon,	Mr. Jennings,	Mr. Saunders,
Mr. Brown,	Mr. Lowry,	Mr. Smith,
Mr. Chapin,	Mr. Little,	Mr. Speaker,
Mr. Copeland,	Mr. Mack,	Mr. Stout,
Mr. Davis,	Mr. Meacham,	Mr. Tackles,
Mr. Durocher,	Mr. Mead,	Mr. Tucker,

33

A motion was then made to adjourn to half past two o'clock, which was disagreed to, as follows :

*(Senators.)*

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Kingsley,
Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,

9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,

6

*(Representatives.)*

## YEAS.

Mr. Acker,	Mr. Durocher,	Mr. Little,
Mr. L. Allen,	Mr. Fitzgerald,	Mr. Livermore,
Mr. Axford,	Mr. Grovier,	Mr. Mack,
Mr. Chapin,	Mr. Hammond,	Mr. Near,

Mr. Clark,	Mr. Howland,	Mr. Newton,	
Mr. Decker,	Mr. Hooker,	Mr. Tucker,	
Mr. Dort,	Mr. Lowry,		20

## YEAS.

Mr. Adam,	Mr. Gibbs,	Mr. Renwick,	
Mr. A. Allen,	Mr. Goodwin,	Mr. Saunders,	
Mr. Bacon,	Mr. Jennings,	Mr. Seeley,	
Mr. Beaufait,	Mr. Meacham,	Mr. Sheldon,	
Mr. Brown,	Mr. Mead,	Mr. Shurtz,	
Mr. Chase,	Mr. McKee,	Mr. Smith,	
Mr. Copeland,	Mr. Ormsby,	Mr. Speaker,	
Mr. Davis,	Mr. Patterson,	Mr. Stout,	
Mr. Eaton,	Mr. Pierce,	Mr. Wixom,	
Mr. Finney,	Mr. Pond,		29

A motion was made to adjourn, which resulted as follows :

(*Senators.*)

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Kingsley,		8

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,		8

(*Representatives.*)

## YEAS.

Mr. Adam,	Mr. Finney,	Mr. Pond,	
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Saunders,	
Mr. Beaufait,	Mr. Gibbs,	Mr. Seeley,	
Mr. Chapin,	Mr. Goodwin,	Mr. Sheldon,	
Mr. Chase,	Mr. Grovier,	Mr. Shurtz,	
Mr. Clark,	Mr. Livermore,	Mr. Smith,	
Mr. Decker,	Mr. McKee,	Mr. Speaker,	
Mr. Dort,	Mr. Patterson,	Mr. Wixom,	
Mr. Eaton,			25

## NAYS.

Mr. Acker,	Mr. Howland,	Mr. Near,
Mr. L. Allen,	Mr. Hcoker,	Mr. Newton,
Mr. Axford,	Mr. Jennings,	Mr. Ormsby,
Mr. Bacon,	Mr. Lowry,	Mr. Pierce,
Mr. Brown,	Mr. Little,	Mr. Renwick,
Mr. Copeland,	Mr. Mack,	Mr. Stout,
Mr. Davis,	Mr. Meacham,	Mr. Tackels,
Mr. Durocher,	Mr. Mead,	Mr. Tucker,
Mr. Hammond,		

25

The Speaker deciding that the casting vote should here be given by the President of the Senate, Mr. Hawkins appealed therefrom, and the yeas and nays being called, the chair was sustained by the following vote:

*(Senators.)*

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Etheridge,	Mr. Kingsley,	

11

## NAYS.

Mr. Drake,	Mr. Greenly,	Mr. Trowbridge,
Mr. Gidley,	Mr. Hawkins,	

5

*(Representatives.)*

## YEAS.

Mr. Adam,	Mr. Eaton,	Mr. Patterson,
Mr. A. Allen,	Mr. Finney,	Mr. Saunders,
Mr. Axford,	Mr. Fitzgerald,	Mr. Seeley,
Mr. Beaufait,	Mr. Gibbs,	Mr. Sheldon,
Mr. Chapin,	Mr. Goodwin,	Mr. Shurtz,
Mr. Chase,	Mr. Grovier,	Mr. Smith,
Mr. Clark,	Mr. Hammond,	Mr. Tackles,
Mr. Decker,	Mr. Livermore,	Mr. Tucker,
Mr. Dort,	Mr. Mack,	Mr. Wixom,
Mr. Durocher,	Mr. McKee,	

29

## NAYS.

Mr. Acker,	Mr. Hooker,	Mr. Newton,
Mr. L. Allen,	Mr. Jennings,	Mr. Ormsby,
Mr. Bacon,	Mr. Lowry,	Mr. Pond,
Mr. Brown,	Mr. Little,	Mr. Pierce,
Mr. Copeland,	Mr. Meacham,	Mr. Renwick,
Mr. Davis,	Mr. Mead,	Mr. Stout,
Mr. Howland,	Mr. Near,	20

Whereupon the President of the Senate rose, and giving the casting vote in the affirmative,

The Speaker declared the convention adjourned.

SAMUEL YORKE AT LEE,

*Secretary of the Senate.*

E. J. ROBERTS,

*Clerk House of Representatives.*

The Senate being again convened in their chamber, the President announced that the joint convention had adjourned without electing a United States senator.

Whereupon, Mr. Drake offered the following resolution :

*Resolved*, That the Senate will not again meet the House of Representatives in joint convention, for the purpose of electing a senator to the United States Senate, during the present session of the legislature.

Which was laid upon the table.

The Senate granted Mr. Drake leave of absence.

The Senate granted Mr. Greenly leave of absence until Wednesday next, the twentieth instant.

On motion of Mr. Gordon, the Senate adjourned.

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FRIDAY, FEBRUARY 15.

The Senate met, and was called to order by the President.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, there were absent Messrs. Cook and Wing; Messrs. Drake and Greenly absent on leave; Mr. Cook afterwards appeared and took his seat.

The Senate granted to Mr. Wing leave of absence until Monday next.

On motion of Mr. Summers, the resolution offered yesterday by Mr. Drake, and laid on the table, relative to "retaining in the treasury, as a part of internal improvement fund, certain moneys," &c., was taken up and adopted.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
February 14, 1838. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that they have passed a bill "to provide for the renewal of sheriffs' and treasurers' bonds," and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the said bill was read twice, and referred to the committee on the judiciary.

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of restoring to our law the provision for discharging mortgages, which existed previous to the late revision of the statutes, and report by bill or otherwise.

On motion of Mr. Harrington, the joint resolution "relative to the purchase of two acres of land, for a depot of the northern railroad," was taken up and referred to the committee on internal improvement.

Mr. Woodbridge, from the committee on state affairs, reported back the House bill to "provide for the assessment and collection of taxes for the year 1838," with sundry amendments, which bill was laid on the table and ordered to be reprinted, with amendments.

The Senate then went into committee of the whole, Mr. Summers in the chair, on the bill "to provide for the assessment and expenditure of highway taxes in certain cases," and after a time the committee rose, and having through their chairman referred the same back to the Senate, were discharged from further consideration of the subject ; said bill was thereupon referred to the committee on roads and bridges.



On motion of Mr. Hawkins, the committee on roads and bridges were instructed to incorporate the following section in said bill :

Sec. 1. That it shall be lawful for the commissioner of highways to extend the time for collecting highway taxes, upon application of the overseers of any road district, to any other time within the limits of the time for which said overseer is appointed.

Mr. Bradford moved also to instruct said committee " to strike out the first section of said bill," which was disagreed to, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Etheridge,		

4

#### NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Kingsley,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,

9

Mr. Harrington moved to take up the " bill making appropriations to John S. Bagg," which was agreed to, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Kingsley,
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,
Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,

9

#### NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,		

4

And said bill was referred to the committee of the whole, and made the special order of the day for Monday next.

The Senate then went into committee of the whole. Mr. Harrington in the chair, on the Bill to change the name of John F. Kerchefer, and after a time the committee rose, and having through their chairman reported the bill back, were discharged from further consideration of the subject.

Said bill was ordered to a third reading.

The President announced a message from the House of Representatives by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
 February 15, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to inform the Senate that they have passed “a bill extending the time to the collectors of the taxes for 1838,” and a joint resolution “authorizing the county commissioners for the county of Wayne to sell the county poor house,” and respectfully ask the concurrence of the Senate therein.

Also, a joint resolution “in relation to settlers on pre-emption lands,” and a bill to revive and continue in force an act entitled “an act to provide for the disposition of prisoners apprehended within the county of Livingston,” in which the concurrence of the Senate is respectfully asked.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill “extending the time to collectors,” &c., was read twice and laid on the table.

The joint resolution relative to selling poor house, was concurred in.

The joint resolution “relative to settlers,” &c., was read twice and laid on the table.

The joint resolution relative to “prisoners apprehended,” was read twice and referred to the committee on the judiciary.

The President announced Mr. Summers as the additional member of the committee, in pursuance of a resolution offered yesterday by Mr. Drake.

On motion of Mr. Harrington, the Senate agreed that when they adjourn, they will adjourn until Monday next, by yeas and nays, as follows :

YEAS.

Mr. Gidley,	Mr. Kercheval,	Mr. Summers,
Mr. Gordon,	Mr. Kingsley,	Mr. Trowbridge,
Mr. Harrington,	Mr. M'Camly,	Mr. Woodbridge,
Mr. Hawkins,		

10

NAYS.

Mr. Bradford,	Mr. Etheridge,	2
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And on motion of Mr. Gidley, the Senate adjourned.

## MONDAY, FEBRUARY 18.

The Senate met pursuant to adjournment, and was called to order by the President.

The roll being called, there were absent, Messrs. Cook and Harrington, who afterwards appeared and took their seats. Absent on leave, Messrs. Curtis, Drake and Greenly.

On motion of Mr. Woodbridge,

*Resolved*, That the committee to investigate the affairs of the Clinton and Washtenaw banks, be permitted to hold their sittings during the session.

Mr. Hawkins, from the committee on incorporations, made an adverse report on the bill to incorporate the Berrien mutual insurance company. On motion, the report was laid on the table, ordered to be printed, and the bill referred to the committee of the whole.

[*See Senate Document No. 15.*]

Mr. Bradford, from the select committee, to whom was referred the "bill relative to levying executions on real estate," &c. offered a report thereon, accompanied by said bill.

[*See Senate Document No. 18.*]

On motion of Mr. Kingsley, the report was laid on the table, and on motion of Mr. Bradford, the same was ordered to be printed. The bill was referred to the committee of the whole and ordered to be printed.

Mr. Woodbridge, from the committee on unfinished business, made a report in part, which, on motion of Mr. Kercheval, was laid on the table and ordered to be printed.

[*See Senate Document No. 16.*]

The President announced the annual report from the Ypsilanti and Tecumseh railroad company, which was, on motion of Mr. Summers, laid on the table and ordered to be printed.

[*See Senate Document No. 14.*]

The President announced a communication from the acting commissioner of the central railroad relative to Mr. Lundy, which, on motion of Mr. Kercheval, was referred to the committee on claims.

Mr. Summers laid the following resolution on the table :

*Resolved*, That the committee on the judiciary be instructed to introduce a bill prohibiting justices of the peace from rendering judgments for costs on all actions of debt for more than five dollars.

Mr. Etheridge called up the resolution relative to a "road to Mackinac," which, being under consideration, Mr. Summers offered the following amendment, to add thereto: "and in like manner each alternate section on each side of the Clinton and Kalamazoo canal for ten miles in width, to be applied and appropriated in like manner for the construction and completion of said canal;" which amendment was agreed to.

Mr. Bradford then offered the following further amendment thereto: "and in like manner each alternate section on each side of the central, southern and northern railroads, also along the Grand, St. Joseph and Kalamazoo rivers, for ten miles in width, to be applied and appropriated in like manner for the construction and completion of said railroads and improvement of said rivers."

On motion of Mr. Kercheval, the word "Huron" was inserted after "Kalamazoo" in said amendment.

The amendment, as amended, was then agreed to, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,		

7

#### NAYS.

Mr. Gidley,	Mr. Kingsley,	Mr. Trowbridge,
Mr. Hawkins,	Mr. Summers,	Mr. Wing,

6

The question then recurring on the resolution as amended, the same was referred to the committee on internal improvement.

Mr. Summers moved that two members be added to the committee on internal improvement, which was agreed to.

The President announced the following communication from the bible society of the state of Michigan :

HON. EDWARD MUNDY,

*President of the Senate :*

Sir: The executive committee of the bible society of the state of Michigan, respectfully invite yourself and the members of the Senate to attend the first anniversary meeting of the society, to be held in the presbyterian church, in this city, on Thursday next, twenty-first instant, at seven o'clock P. M.

CHARLES JONES,

*Secretary Executive Committee.*

*February 18, 1839.*

Which, on motion, was laid on the table.

The President announced a message from the Governor, by Mr. Porter, on executive business.

On motion of Mr. Bradford, the bill to amend the act incorporating the village of Niles, was taken up, and referred to the committee of the whole.

On motion of Mr. Summers, the bill entitled "Of circuit courts," was re-committed to the committee on the judiciary.

The bill to change the name of John F. Kerchefer was read a third time and passed.

On motion of Mr. Gidley, the bill to authorize Giles B. Kellogg, &c., was taken up and ordered to be engrossed for a third reading.

The Senate then went into committee of the whole, Mr. Cook in the chair, on the "bill to amend an act incorporating the village of Niles," &c. and after a time the committee rose, and having, through their chairman, reported progress, obtained leave to sit again.

On motion of Mr. Kercheval, the Senate adjourned.

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## TUESDAY, FEBRUARY 19.

The Senate met, and was called to order by the President.

The roll being called, there were absent Messrs. Cook, M'Camly and Summers, who afterwards appeared and took their seats.

Absent on leave, Messrs. Curtis, Drake and Greenly.

Mr. Kingsley, from the committee on internal improvement, reported back the original joint resolution, relative to "route to

Mackinac," divested of the amendments yesterday attached thereto: which report having been adopted, the joint resolution was passed.

On motion of Mr. Gordon,

The vote yesterday, by which the circuit court bill was re-committed to the committee on the judiciary, was re-considered: whereupon said bill was taken up and laid on the table.

The bill authorizing "Giles B. Kellogg," &c. was read a third time and passed.

Mr. Wing, from the committee on the judiciary, reported back the "bill to appoint circuit attorneys," with certain amendments, which were, after some modification, agreed to.

On motion of Mr. Bradford,

Said bill was further amended by making the sum of one thousand dollars, instead of fifteen hundred dollars, the annual compensation.

The yeas and nays, on the question, were as follows:

#### YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. M'Camly,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		8

#### NAYS.

Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	
Mr. Harrington,	Mr. Kingsley,		5

Said vote was afterwards reconsidered, and by common consent, the sum of twelve hundred dollars was finally agreed to, as the annual compensation of the circuit attorneys.

Mr. Bradford offered the three following resolutions, which were severally adopted.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of exempting from execution the instruments necessary to enable physicians, surgeons, surveyors, engineers, draftsmen, and mechanics, to carry on their respective occupations, not exceeding one hundred dollars in value; with leave to report by bill or otherwise.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, some mode

of compelling the attendance of juries of view, on laying out roads, to view the same, and some suitable pay, for such prices as proper assessment of damages ; with leave to report by bill or otherwise.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, that in the formation of partnerships in trade, other than special partnerships, the parties composing the firm shall file with the clerk of the county in which said firm shall carry on business, the individual name of each partner composing said firm, and the kind of business to be transacted, and that at a dissolution, they shall file with the county clerk a notice of such dissolution, and that such dissolution shall take effect from the date of such receipt by the county clerk and public notice thereof ; with leave to report by bill or otherwise.

Mr. Summers' resolution, relative to justices of the peace, laid on the table yesterday, was taken up, modified, as an inquiry into expediency, and referred to committee on the judiciary.

On motion, the vote on the passage of the joint resolution by Mr. Etheridge, was reconsidered.

The President called Mr. Kercheval to the chair.

On motion of Mr. Hawkins,

The whole subject was laid on t'c table.

Mr. Cook laid the following resolution on the table.

*Resolved*, (The House of Representatives concurring herein,) That the legislature will adjourn on Monday, the fourth day of March next, *sine die*.

On motion of Mr. Cook,

*Resolved*, That the committee on the militia be instructed to ascertain (if possible,) whether there be any military stores, such as arms and ammunition, belonging to this state, the place where, and condition the same are kept in, and whether any appropriation be necessary to provide for the repairing, cleaning and safe keeping of the same, or not, and report by bill or otherwise.

On motion of Mr. Gordon,

The bill entitled " Of the circuit courts," was taken up, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Wing,
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Harrington,	Mr. Kingsley,	8

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Summers,
Mr. Cook,	Mr. M'Camly,	Mr. Trowbridge,
		6

The question being on recommitting the bill to the committee on the judiciary, with instructions, it was decided in the negative, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Trowbridge,
Mr. Cook,	Mr. Summers,	5

## NAYS.

Mr. Gordon,	Mr. Kercheval,	Mr. Wing,
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Hawkins,	Mr. M'Camly,	8

The bill was then read a third time and passed, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. M'Camly,
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,
		9

## NAYS.

Mr. Bradford,	Mr. Summers,	Mr. Trowbridge,
Mr. Etheridge,		4

On motion of Mr. Harrington,

The bill making an appropriation to John S. Bagg was taken up.

Mr. Bradford moved that the committee of the whole be discharged from further consideration thereof, which was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,
Mr. Cook,	Mr. Kercheval,	Mr. Wing,
Mr. Etheridge,		7



## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,

6

The question being on the first amendment proposed by the committee on finance,

Mr. Gidley moved to adjourn, which was not agreed to.

Mr. Hawkins moved to recommit the bill to the committee on finance, with instructions to take all necessary testimony in relation to said claim and report thereon; which was disagreed to, by yeas and nays, as follows:

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,

6

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Cook,	Mr. Kercheval,	Mr. Wing,
Mr. Etheridge,	Mr. Kingsley,	

8

The President announced a message from the Governor on executive business.

On motion of Mr. Woodbridge,

The Senate adjourned.

## WEDNESDAY, FEBRUARY 20.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Bury.

The roll being called, there were absent Messrs. Cook, Gidley, Gordon, Summers and Trowbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Curtis and Drake.

## PETITIONS.

By Mr. Etheridge, of David Kyes and other citizens of Branch county, relative to improving the St. Joseph river, &c.; which was referred to the committee on internal improvement.

By Mr. Greenly, of C. Smith and other citizens of Lenawee county, for legalizing election of certain school inspector; which was referred to the committee on the judiciary.

Also, the memorial of James Field and others, to dissolve the

Toledo and Kalamazoo railroad bank ; referred to the committee on incorporations.

By Mr. Trowbridge, of Presbyterian society of Troy ; which was referred to the committee on the judiciary.

By Mr. Wing, of James L. Chase and others, for the establishment of a railroad from Havre to Dearbornville ; referred to the committee on internal improvement.

Mr. Etheridge, from the select committee, offered a resolution in relation to the estate of Hiram Alden, late commissioner of internal improvement, accompanied by a bill. The bill was read twice and referred to the committee on claims, and the report was laid on the table.

Mr. Wing, from the committee on the judiciary, reported back the bill "relative to the records of the court of probate for the county of Cass," with an amendment, in which the Senate concurred, and the same was ordered to a third reading.

Also, the joint resolution "providing for the payment of certain witnesses who attended on the committee last year, concerning the location of the northern and southern railroad," which was thereupon ordered to a third reading.

Mr. Wing, from said committee, also reported adverse to the "expediency of prohibiting justices of the peace from rendering judgments for costs in all actions of debt, for more than five dollars," which report was accepted, and the committee were discharged from further consideration of the subject.

The President read a communication from the librarian, stating in what manner the sums appropriated to said library had been expended, which was referred to the committee on the library.

Mr. Bradford moved to reconsider the vote taken on the report of the select committee in relation to Mr. Alden, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,  
Mr. Etheridge,

Mr. M'Camly,

Mr. Wing,

4

## NAYS.

Mr. Gidley,  
Mr. Greenly,  
Mr. Harrington,

Mr. Hawkins,  
Mr. Kingsley,  
Mr. Summers,

Mr. Trowbridge,  
Mr. Woodbridge,

8

The President announced a message from the House of Representatives, as follows :

HOUSE OF REPRESENTATIVES, }  
February 20th, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that they have passed a bill “to ascertain the value of a certain school section in the county of Branch.” Also, a “bill relative to school books, and books for school district libraries,” and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill “to ascertain the value of a certain school section,” &c., was read twice and referred to the committee on literature.

The bill “relative to school books,” was also read twice and referred to same committee.

Mr. Gidley offered the following resolution, which was laid on the table :

*Resolved*, That the committee on state affairs be instructed to draft a memorial to the congress of the United States, setting forth the facts as they exist, relative to the limited amount of public lands that have been granted to the state for the purpose of opening roads, and constructing other works of public improvement, as compared to the donations granted by the general government to Ohio, and other new states of the Union—the facts as they exist, that the people of this state have embarked upon a liberal system of internal improvement that they are most anxious to prosecute to completion, but which they greatly fear they shall not be able to do, without that liberal aid from the general government that has been extended to our more favored sister states, and that we think we have a right to demand, and solicit at the hands of the present congress of the United States, such donation of public lands as they shall deem liberal and just, to enable our state to prosecute to successful completion her contemplated public works.

Mr. Harrington gave notice that he would at some future day ask leave to bring in a bill to establish the lines of certain townships in the county of St. Clair, and for other purposes.

Mr. Harrington also laid the following resolution on the table :

*Resolved*, That the Senate hereafter have two sessions a day until the close of the session.

Mr. Etheridge offered the following, which was laid on the table :

Whereas, there is a resolution now pending before the legislature of Michigan asking of the United States a grant of each alternate section of unlocated land, for ten miles in width, commencing at the centre of the south line of Michigan, and running north through the central parts of the peninsula to the straits of Mackinac, for the purpose of constructing a road on said line :

Whereas the people of Michigan are fully aware of the great advantages that would arise to the states of Michigan, Ohio and Indiana, as well as to the nation, if a direct land communication were opened from Cincinnati to Lake Superior, of which the above mentioned road is considered a part ; therefore,

*Resolved*, by the Senate and House of Representatives of the State of Michigan, That this legislature ask the concurrence of the states of Ohio and Indiana, in exertions for the opening said communication by constructing a rail or other permanent road from Cincinnati to the centre of the south line of Michigan, which will only be an extension of the road now being made from Charleston to Cincinnati, and the direct thoroughfare from the Atlantic ocean to Lake Superior.

*Resolved*, That the Secretary of State be and he is hereby directed to forward copies of the above preambles and resolutions to the governors of Ohio and Indiana.

Mr. Bradford offered the following :

*Resolved*, That the committee on the judiciary be instructed to report as soon as possible the bill abolishing imprisonment for debt, referred to them on Friday last, February 15th.

Which was laid on the table, by yeas and nays, as follows :

#### YEAS.

Mr. Gidley,	Mr. McCamly,	Mr. Trowbridge,
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge,
Mr. Kingsley,		

7

#### NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,
Mr. Etheridge,	Mr. Harrington,	

5

On motion of Mr. Woodbridge,

*Resolved*, That the Auditor General be directed to report to the Senate the facts relative to the claim of the late Dr. Alden, together with his opinion thereon.

On motion of Mr. Kercheval,

*Resolved*, That the president of the board of internal improvement be directed to furnish the Senate, as early as convenient, a statement, showing the amount that has been paid to each of the several members of said board, from its organization to the present time; whether for services, or expenses incurred in the discharge of their respective duties.

On motion of Mr. Trowbridge,

*Resolved*, That an addition of two members be made to the select committee whose duty it is to inquire into the validity of the charter of the Detroit and Pontiac turnpike company.

And the President appointed in pursuance thereof, Messrs. Trowbridge and Wing.

The President also announced that he appointed Messrs. Summers and McCamly the two additional members to the committee on internal improvement.

The bill "relative to the records of the court of probate for Cass county," and the resolution relative to paying certain witnesses for attending committee for locating railroad, &c., were read a third time and severally passed.

Mr. Cook obtained leave to introduce, in pursuance of notice, a bill "to authorize the commissioners of Oakland county to borrow a certain sum of money." Messrs. Cook, Gidley and Wing, committee thereon, having reported said bill, the same was read twice and referred to committee of the whole.

The Senate then took up the bill "making appropriations to state printer," which was, after some discussion, laid on the table and made the special order of the day for to-morrow.

On motion of Mr. Harrington, the St. Clair and Romeo railroad bill was read twice and ordered to be engrossed for the third reading.

On motion of Mr. Cook, the Senate took up the bill "to incorporate the Detroit and Ore Creek canal company," and resolved itself into committee of the whole on the same, Mr. Gidley in the

chair ; and after a time the committee rose and reported the bill back with amendments, in which the Senate concurred.

The question being on engrossing the same for a third reading, it was not agreed to by the Senate.

Mr. Summers moved to postpone indefinitely the consideration of said bill, which was not agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Harrington,	Mr. Summers,	Mr. Trowbridge,	3
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Wing,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		11

The bill was then, on motion of Mr. Harrington, laid on the table.

On motion of Mr. Bradford, the Senate adjourned.

## THURSDAY, FEBRUARY 21.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Bury.

The roll being called, there were absent Messrs. Cook, Gordon and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Curtis and Drake.

Mr. Wing, from the judiciary committee, reported back the bill for the abolishment of imprisonment for debt with sundry amendments, which,

On motion of Mr. Kingsley, was referred to the committee of the whole, by yeas and nays, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Summers,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Harrington,			13

## NAYS.

Mr. Bradford,

1

Mr. Bradford moved that it be made the special order of the day for to-morrow, which motion was lost, by yeas and nays, as follows :

## YEAS.

Mr. Bradford;  
Mr. Greenly,

Mr. Summers,

Mr. Wing.

4

## NAYS.

Mr. Cook,  
Mr. Etheridge,  
Mr. Gidley,  
Mr. Harrington,Mr. Hawkins,  
Mr. Kercheval,  
Mr. Kingsley,Mr. McCamly,  
Mr. Trowbridge,  
Mr. Woodbridge,

10

On motion of Mr. Hawkins, it was made the special order of the day for Monday next.

Mr. Cook, from the committee on towns and counties, reported back a bill to organize the county of Barry, with an amendment, which was agreed to, and the bill ordered to be engrossed for a third reading.

Also, reported adverse to the petition of R. Abbott, for the vacation of certain streets and public grounds in the village of Coldwater :

Which report, on motion of Mr. Hawkins, was laid on the table.

The President announced the following communication from the Executive :

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State, the following act and joint resolutions, viz : "An act to change the name of John F. Kerchefer ;" "A joint resolution relative to supplying the library of the university with certain state documents ;" "A joint resolution relative to the purchase of the Wayne county poor-house by the collector of the port of Detroit, for a marine hospital."

STEVENS T. MASON.

*February 21, 1839.*

The President also announced the following communication from the president of the board of internal improvement, which was referred to the committee on internal improvement :

OFFICE OF INTERNAL IMPROVEMENT, }  
Detroit, February 19, 1839. }

To the Hon. Edward Mundy,

*President of the Senate :*

Sir—The joint resolution of the legislature, authorizing the survey of a railroad route from Centerville, via Lockport, Geneva and Cassopolis, to Niles, made no appropriation to defray the expense of making such survey. The expenses thus far, have been paid by Gen. Humphrey, the acting commissioner on the southern railroad, and the Auditor General has audited the accounts, but refuses to pass them to his credit as such acting commissioner.

I would respectfully ask the legislature to pass some law or resolution appropriating a sufficient sum to cover the expense of said survey, or direct the Auditor General to charge the said account to the appropriation already made for the construction of the southern railroad.

By order of the board,

E. H. LOTHROP, *President.*

The President announced a communication from the president of the board of internal improvement, in reply to a resolution of the Senate, passed on the 20th instant, calling for a statement of the amount paid to each of the members of the board of internal improvement from the first organization of said board to the twentieth February, eighteen hundred and thirty-nine, which,

On motion of Mr. Kercheval, was laid on the table, and ordered to be printed.

On motion of Mr. Kingsley,

*Resolved*, That the State Geologist be instructed to inquire into the propriety of making the saline spring, in the township of Saline, Washtenaw county, a point to be examined at the expense and under the direction of the state, for the purpose of ascertaining the practicability of manufacturing salt at that place, and report to the Senate.

On motion of Mr. Hawkins,



*Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing capital punishment in all cases, and that they report by bill or otherwise.

On motion of Mr. Trowbridge,

*Resolved*, That the committee on internal improvement inquire into the expediency of reducing the board of internal improvement to three members, and have leave to report by bill or otherwise.

Mr. Greenly offered the following resolution :

*Resolved*, That the committee on incorporations be instructed to inquire into the affairs of the Detroit city bank, and report whether the said bank has complied with the provisions of the law under which the same was organized, and whether the requisite securities have been given by the said bank :

Which, on motion of Mr. Woodbridge, was laid on the table.

The Chair having announced the general orders of the day, the Senate went into committee of the whole, Mr. Summers in the chair, upon "A bill to authorize the commissioners of Oakland county to borrow a certain sum of money," and after a time, the committee rose, reported the bill back with an amendment, in which the Senate concurred, and the committee were discharged.

The "bill to provide for the construction of further works of internal improvement," being under consideration :

Mr. Bradford moved that the committee of the whole be discharged from its consideration, and that it be referred back to the committee on internal improvement.

Mr. Greenly moved to amend by instructing said committee to fill the blanks in said bill, which was agreed to, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge, 12

#### NAYS.

Mr. Hawkins,	Mr. Kingsley,	2
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The bill making appropriations to John S. Bagg, which was

made the special order of the day for to-day, being under consideration :

Mr. Gidley moved that it be laid on the table, which motion was lost, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	9

The question then being upon agreeing to the amendment reported by the committee on finance, was decided in the negative, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Trowbridge,	
Mr. Hawkins,			4

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			10

Mr. Hawkins moved that the bill be referred back to the committee on finance, and that they report all the facts and proofs before them in relation to the claim of John S. Bagg, with the prices for each particular charge, which motion was lost, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		6

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	9

Mr. Woodbridge moved to amend the first section of the bill, by striking out in the fifth line, the words "fifty-five," and insert-

ing the word "thirty," which motion was lost, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	9

Mr. Hawkins offered the following amendments :

Section 1. That the State Treasurer, on the warrant of the Auditor General, is hereby authorized and required to pay to John S. Bagg, state printer, out of any moneys in the treasury not otherwise appropriated, the sum of nineteen thousand eight hundred and ten dollars and seventy-five and one-half cents.

Substitute section two for section three, in the original bill.

Section 3. That the balance of said Bagg's claim, being the sum of five thousand six hundred and eight dollars and forty-three and one-half cents, be referred to the Auditor General, and that he report his opinion thereon, give his warrant for the amount upon the treasurer of the state that may be found due on the investigation, to said John S. Bagg, to be paid in the manner prescribed in the first section of this act.

Which amendments were lost, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Trowbridge,	
Mr. Hawkins,			4

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			10

Mr. Gidley offered the following amendment to the first section :

" Provided, That the amount of five per cent be deducted from the amount to be so paid to the said John S. Bagg.

Which motion was lost, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	9

The question then being upon ordering the bill to a third reading, on motion of Mr. Bradford, the bill was laid upon the table, and made the special order of the day for to-morrow.

Mr. Bradford offered the following resolution :

Whereas, the twenty-second day of February is properly observed by the people of these United States, in commemoration of the virtues and services of the "Father of his country," as the anniversary of his birth ; and whereas, it is important ever to keep alive the remembrance of the character and principles of George Washington, by holding that day in national respect ; therefore,

*Resolved*, That the Senate will meet in their chamber to-morrow morning, (Friday, Feb. 22,) at 10 o'clock, to listen to Washington's farewell address, and will then adjourn.

Mr. Greenly moved to lay the same on the table, which was lost, by yeas and nays, as follows :

## YEAS.

Mr. Etheridge,	Mr. Greenly,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,		5

## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,	9

The question then recurring upon the resolution, it was adopted, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Cook,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,	Mr. McCamly,		11

## NAYS.

Mr. Gidley,                      Mr. Greenly,                      Mr. Summers,                      3

The President then requested that Mr. Wing should take the chair, during his temporary absence from town.

On motion of Mr. Kingsley, the Senate adjourned.

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FRIDAY, FEBRUARY 22.

The Senate met, and was called to order by Mr. Wing, President pro tem.

Prayer by the Rev. Mr. Bury.

The roll being called, there were absent, Messrs. Cook and Harrington, who afterwards appeared and took their seats.

Messrs. Drake and Gordon were absent on leave.

On motion of Mr. Bradford,

*Resolved.* That in pursuance of a resolution of yesterday, the secretary of the Senate be requested to read Washington's farewell address.

Whereupon, the Secretary was about to proceed in compliance therewith, when Mr. Gidley suggesting that the House of Representatives intended to invite the Senate to meet them in the hall, it was thereupon,

*Resolved,* That a committee of two be appointed to inform the House of Representatives that the Senate had resolved to commemorate the twenty-second of February, by listening to Washington's farewell address.

Pending these proceedings, a committee from the House, consisting of Messrs. Acker and Mack, were announced, who invited the Senate to meet the House of Representatives in the hall, for the purpose of commemorating the birth day of Washington.

After they had retired, it was,

On motion of Mr. Bradford,

*Resolved,* That the committee to be appointed in pursuance of Mr. Gidley's resolution be further authorized to inform the House of Representatives that their invitation was accepted.

The President pro tem appointed Messrs. Gidley and Greenly the above committee, who duly performed the duties imposed on them.

Whereupon, the Senate rose, and proceeded to the hall of the House of Representatives.

The farewell address was there read, by the Speaker of the House, after which, it was,

On motion of Mr. Bradford,

*Resolved*, That the thanks of the convention be given to the speaker of the House of Representatives for reading the farewell address.

The convention then adjourning, the Senate returned to the chamber, and,

On motion of Mr. Bradford, the Senate adjourned.

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### SATURDAY, FEBRUARY 23.

The Senate met, and was called to order by Mr. Wing, President pro tem.

The roll being called, Mr. Cook was absent, but afterwards appeared and took his seat; absent on leave, Messrs. Drake and Gordon.

Mr. Etheridge presented the petition of James H. Hanchett, in relation to a purchase from the superintendent of public instruction, with a request that he would report the facts thereof.

Mr. Kingsley presented the petition of citizens of Lyon and Milford, relative to the proposed annexation of a certain part of Oakland county to the county of Livingston, which was referred to the committee on towns and counties.

Mr. Harrington, from the committee on the judiciary, reported two bills, viz: "a bill to establish certain township lines in the county of St. Clair, and for other purposes," and "a bill to legalize the elections of school inspectors elected for the year 1837," which were severally read twice and referred to the committee of the whole.

Mr. Gidley, from the committee on finance, to whom was referred the resolution relative to "retaining in the treasury, as a part of the internal improvement fund," &c., submitted a report thereon, which was laid on the table.

The President announced a communication from the Auditor General, in compliance with the resolution heretofore adopted,

giving the facts in relation to the official services of the late H. Alden, together with his opinion thereon, which was read and referred to the committee on claims.

[See Senate Document No. 19.]

The report of the select committee on the same subject, which was laid on the table on the 20th inst., was then taken up, whereupon,

Mr. Woodbridge offered the following resolution :

*Resolved*, That the claim aforesaid, together with the report of the said select committee and of the Auditor thereon, be printed, and that the same be referred to the committee on claims, with instructions to report at an early day upon the whole subject matter of the claim of the late Dr. Alden, and that the report of the select committee and of the Auditor General thereon, separately from other claims before them, not involving the same or analogous principles.

Mr. Greenly moved to amend the same by striking out all relative to printing, which was not agreed to.

The original resolution was then adopted by the Senate.

Mr. Harrington submitted the following joint resolution, which was, on motion of Mr. Bradford, referred to the committee on state affairs :

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That in addition to the officers and institutions now entitled to copies of the revised statutes, the following officers and institutions shall each be entitled to one copy of the revised statutes of this state, viz :

The state medical society, and each of the county medical societies within this state ; district libraries ; the young men's society of the city of Detroit ; the several township and county lyceums organized pursuant to the statute ; each of the religious associations or societies organized within this state ; the commissioners of highways ; the supervisors of each of the townships, for the use of such supervisor and the township assessors of the respective townships of such supervisors.

Mr. Kingsley laid the following resolution on the table :

*Resolved*, That the acting commissioner of internal improvement on the Clinton canal be instructed to report to the Senate

the number of engineers employed at the expense of the state on the route of that canal, the amount of their annual salaries, and whether there be more engineers employed than the interest of the state requires.

Mr. Gidley gave notice that he should at some future day ask leave to introduce a bill to alter the name of a certain township in the county of Jackson.

Mr. Greenly moved to take up the resolution laid on the table heretofore, relative to the Detroit city bank, which was agreed to, by yeas fifteen, nays none.

Whereupon, Mr. Hawkins offered the following amendment, to be added thereto: "And whether it is a safe and solvent institution, and worthy of credit, and entitled to public confidence," which was agreed to.

The resolution as amended was then adopted, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,	
Mr. Harrington,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Summers,		11

## NAYS.

Mr. Cook,	Mr. Etheridge,	Mr. Gidley,	
Mr. Curtis,			4

On motion of Mr. Gidley, the joint resolution sent from the house, relative to the Ypsilanti and Tecumseh railroad company, was taken up; the report of the committee on finance thereon was read.

Mr. Hawkins moved to amend the same by striking out the words "balance due said company," and substitute the words "sum of fifteen thousand dollars," which amendment was agreed to.

Mr. Summers then moved to recommit the joint resolution, as amended, to the committee on finance, with instructions to report a bill of items in relation thereto, which was disagreed to, by yeas and nays, as follows:

## YEAS.

Mr. Cook,	Mr. McCamly,	Mr. Summers,	
Mr. Etheridge,			4



## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			10

The resolution, as amended, was then adopted by the Senate.

On motion of Mr. Hawkins, "the bill making appropriations to John S. Bagg," was taken up.

Mr. Greenly moved to refer the same to the committee on printing.

Mr. Summers moved to amend by instructing said committee to report the bill back so amended that one dollar per copy be allowed for binding the laws, which amendment was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Hawkins,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Summers,			4

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,			10

The question then recurring on referring to the committee on printing, with instructions to report on the same as early as practicable, it was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Greenly,	Mr. McCamly,	Mr. Woodbridge,	9

## NAYS.

Mr. Cook,	Mr. Etheridge,	Mr. Wing,	
Mr. Curtis,	Mr. Kercheval,		5

On motion of Mr. McCamly,

*Resolved*, That the Secretary of State be requested to procure for the use of the committee on towns and counties, the name of each and every town now organized in this state, and the name of the county to which said town belongs.

On motion of Mr. Gidley,

*Resolved*, That on and after Monday next, the Senate will meet at nine o'clock in the morning of each day.

Mr. Woodbridge, from the committee on state affairs, reported back the bill "authorizing an assessment to be made in a certain school district in the township of Plymouth," &c., with amendment, which report was laid on the table.

On motion of Mr. Hawkins, two members were added to the committee on printing, and

The President pro tem. thereupon appointed Messrs. Curtis and Gidley.

Leave of absence until Thursday next was granted to Mr. Hawkins.

Leave of absence for one week, commencing from Tuesday last, was granted Mr. Gordon.

Leave of absence until Monday week was granted to Mr. Harrington.

On motion of Mr. Woodbridge, the Senate adjourned.

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### MONDAY, FEBRUARY 25.

The Senate met, and was called to order by Mr. Wing, President pro. tem.

The roll being called, there were absent, Messrs. Greenly, McCamly and Summers, who afterwards appeared and took their seats.

Absent on leave, Messrs. Drake, Gordon, Harrington and Hawkins.

#### PETITIONS.

By Mr. Cook, of the Detroit and Pontiac railroad company, "for extension of time," &c. which, with accompanying documents, was referred to the committee on internal improvements.

By Mr. Kercheval, of the Mechanics' society of Detroit, for alteration in charter; referred to the committee on incorporations.

Mr. Trowbridge, from committee on agriculture, to whom was referred the resolution "to appropriate money out of the trea-

sure to promote agricultural purposes," submitted the following report, accompanied by "a bill to promote agriculture."

The committee on agriculture have had under consideration the resolution "to appropriate money out of the treasury to promote agricultural purposes," and beg leave to report:

They believe the subject of agriculture should engage the favorable attention and encouragement of the legislature; perhaps no occupation with the same claims, receives as little countenance. When we reflect it is from the earth man is sustained, and that we are as a people emphatically husbandmen, how important is it that every thing (within our reach) should be done to promote the very means of our living.

The business of farming in this country is now in its infancy, and every invention to save labor and increase the productiveness of the soil is looked upon with anxiety. The name of Jethro Wood will be held in long remembrance by every man who holds a plough, and the farmers of the United States will duly appreciate the valuable services of Hon. Jesse Buel.

Your committee believe the general dissemination of knowledge on the subject of farming is a great auxiliary, and notwithstanding much is said against book farming, yet nothing is more true than that it requires a good mind as well as a sound body to make a good farmer.

From actual experience, it is found the soil and climate of this state are remarkably adapted to wheat as well as wool.

Notwithstanding wheat may be said to grow here almost spontaneously, yet that staff of life is here sometimes entirely cut off; theessian fly in the fall, and the wire worm in harvest, are most formidable enemies to the wheat grower. All information to prevent the failure and promote the culture of this staple, is conferring a blessing upon our land.

All are well aware of the effects of associated action. Agricultural societies in the different counties, encouraged by a small beneficence of the state, would do much to promote this basis of our livelihood.

In conclusion, the committee, hoping for the favorable notice of the legislature, and beg leave to bring in a bill.

The bill was referred to the committee of the whole and ordered to be printed.

The President pro. tem. announced a message from the Governor, by Mr. Porter, in the following words :

EXECUTIVE DEPARTMENT, }  
February 23, 1839. }

*To the Senate :*

I transmit to the Senate a communication from the Governor of New Jersey, sending sundry joint resolutions of the legislature of that state, respecting the public lands, which I am requested to lay before the legislature of this state.

S. T. MASON.

The documents having been read, were referred to the committee on state affairs.

The engrossed bill authorizing a loan of a sum not exceeding one hundred thousand dollars, for the benefit of the St. Clair and Romeo railroad company, was read a third time and laid upon the table.

The Senate then went into committee of the whole, Mr. McCamly in the chair, on the bill to abolish imprisonment for debt, and after a time, the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Gidley, from the committee on the state prison, to whom was referred sundry documents relative to the same, submitted a report, accompanied by "a bill supplementary to an act authorizing the building of the state penitentiary." The report was laid on the table, ordered to be printed, and the bill was read twice, referred to committee of the whole and ordered to be printed.

[See Senate Document No. 20.]

On motion of Mr. Gidley, the Senate adjourned.

## TUESDAY, FEBRUARY 26.

The Senate met, and was called to order by the President.

Prayer by Rev. Mr. Chapin.

The roll being called, there were absent Messrs. Cook and Summers, who afterwards appeared and took their seats ; absent on leave, Messrs. Drake, Gordon, Harrington and Hawkins.

Mr. Kingsley presented a petition of residents of Ypsilanti, for a repeal of their charter of village incorporation, which was referred to the committee on incorporations.

Mr. Trowbridge presented the petition of Thomas Comfort and others, of Oakland county, to prevent the running of cars on the Sabbath ; read and referred to the committee on state affairs.

Mr. Greenly, from the committee on literature, submitted a communication from the board of regents, in compliance with a resolution heretofore adopted, giving certain details relative to the plan, &c., of the university, which was read, laid on the table and ordered to be printed.

[See Senate Document No. 23.]

Mr. Kingsley, from the committee on internal improvement, reported a bill to amend "an act to provide for the relief of the Detroit and Pontiac railroad company," which was read twice and laid on the table.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
February 25, 1889. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to transmit to the Senate a bill which they have passed, "for the relief of certain settlers on university and state lands," and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said bill was read twice and referred to the committee on state affairs.

Mr. Summers presented the memorial of J. L. Conger on the subject of "connecting the Clinton and Kalamazoo canal with Lake St. Clair, by means of a towpath," &c., which was referred to the committee on internal improvement.

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of extending to sub-contractors and laborers on the state works of internal improvements, the same benefits of a claim upon the original contractors, or upon the state, that is now given by law to mechanics and others, on the owners of buildings on which they have labored, or for which they have found materials, and report by bill or otherwise.

The President announced a communication from Mr. Pritchette, bank commissioner, as follows :

DETROIT, February 26, 1836.

To the Hon. EDWARD MUNDY,

*President of the Senate :*

Sir—In compliance with the resolution of the Senate directing the bank commissioner to furnish the Senate with a list of the specie-certificates issued and loaned by individuals, banks or other institutions, for the purpose of creating banks under the general banking law of this state, by whom and to whom issued ; also, the names of the officers and directors of the different institutions that have been placed under injunction ; and further, that the commissioners furnish the Senate with copies of the affidavits and other testimony taken by them in their investigations, calculated to exhibit the manner and by whom said bankrupt institutions have been organized, I have the honor to present the accompanying report and documents. With great respect,

K. PRITCHETTE,

*Bank Commissioner.*

[See Senate Document No. 21.]

The report and documents were laid on the table and ordered to be printed.

On motion of Mr. Kingsley, the resolution laid on the table Saturday last, making certain inquiries of the acting commissioner on the Clinton canal, was taken up and adopted.

The engrossed bill for organizing the county of Barry was taken up, and laid on the table.

On motion of Mr. Greenly,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending chapter nine of title

four, part third of the revised statutes, as to extend the lien of the mechanic and others to buildings erected on leased land for the lessee.

On motion of Mr. Woodbridge, the House bill "authorizing an assessment to be made in a certain school district in the township of Plymouth, in the county of Wayne," was taken up, and the Senate concurred in the amendments proposed by the committee on state affairs.

On motion of Mr. Etheridge, the votes of concurrence on the amendments were reconsidered; whereupon,

Mr. Greenly offered the following amendment to section one: insert in the second line the words "each and every," between the words "of a school," and strike out all after the word "district," in same line, to the word "may," in the third line, and insert the words "heretofore organized in this state;" also, to strike out the word "April," in the fourth line, and insert "May;" when,

On motion of Mr. Bradford, the bill, together with all amendments proposed, was referred to the committee of the whole and ordered to be printed.

The Senate then went into committee of the whole, Mr. McCamly in the chair, on the bill "to abolish imprisonment for debt," and after a time the committee rose, and through their chairman reported the bill back with sundry amendments, in which the Senate concurred, with the exception of that in the seventeenth section.

Mr. Bradford moved to amend same section by striking out "twenty" and inserting "ten" in the fourth line, which was disagreed to; whereupon,

The Senate having concurred in the amendments to said bill, ordered the same to be engrossed for third reading.

The Senate then went into committee of the whole, Mr. Cook in the chair, on the bill "to legalize the election of certain school inspectors in the year 1837," and after a time, the committee rose, and having through their chairman reported the bill back without amendment, were discharged from the further consideration of the subject.

The bill was thereupon ordered to be engrossed for a third reading.

On motion of Mr. Greenly, the Senate went into executive session.

When the doors were opened,

The Senate went into committee of the whole, Mr. Gidley in the chair, on the bill "to incorporate the Grand River theological seminary," and after a time the committee rose, and having through their chairman reported the bill back to the Senate without amendment, were discharged from the further consideration of the subject.

Said bill was thereupon ordered to be engrossed for a third reading.

The Senate then went into committee of the whole, Mr. Greenly in the chair, on the bill "to incorporate the Berrien county mutual insurance company," and after a time the committee rose, and having through their chairman reported the bill back without amendment, were discharged from the further consideration of the subject.

Said bill was thereupon laid on the table and ordered to be printed.

The President announced a message from the Governor, by Mr. Porter, on executive business.

On motion of Mr. Greenly, the Senate adjourned.

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### WEDNESDAY, FEBRUARY 27.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent, Messrs. Cook, Curtis and Wing, who, Mr. Cook excepted, afterwards appeared and took their seats.

Absent on leave, Messrs. Drake, Gordon, Harrington and Hawkins.

Mr. Kingsley, from the committee on internal improvements, reported adverse to the petition of sundry inhabitants of the county of Wayne and Monroe, praying for the establishment of a railroad from Havre, in Monroe county, through Monroe, to Dearbornville, in Wayne county; which report was laid on the table.



Mr. McCamly presented a petition from inhabitants of Cady, for alteration in the name of township, which was referred to committee on towns and counties.

Mr. Greenly, from the committee on literature, reported back without amendment, the following bills, viz: "a bill to extend the time of payment of the university and school moneys, and for other purposes;" "a bill to ascertain the value of a certain school section in the county of Branch;" "a bill relative to school books and books for school district libraries," which were severally ordered to the third reading.

Mr. Wing, from the committee on the judiciary, reported back with amendments, the "bill to provide for the renewal of sheriff's and treasurer's bonds," which were agreed to, and the bill was ordered to the third reading.

The President announced a communication from the state bank, as follows:

MICHIGAN STATE BANK, }  
Detroit, Feb. 26, 1839. }

Hon. EDWARD MUNDY,

*President of the Senate,*

Sir—The legislature are undoubtedly aware of the excitement existing in the public mind in consequence of this bank having temporarily availed itself of a provision of its charter, by which specie has been refused on some of its notes for sixty days. As the state deposit bank, the interests of the state are unquestionably closely interwoven with the security and solvency of this institution. It does not become me to advert to the proceedings of the legislature thus far, or to say how far they may have conducted to the excitement in the public mind, and to the run which has but temporarily embarrassed the institution.

The directors are sincerely desirous of saving all loss to the state and public, and have, therefore, to request the appointment of an impartial committee to inquire into the condition of the bank, and to suggest to the legislature such measures as will secure the public interests.

The directors also feel satisfied of the ability of the bank to meet all its engagements if it should receive the reasonable favor and indulgence of the legislature.

If a contrary course is pursued, the consequences can be but unfavorable to the institution, and perhaps prejudicial to the public.

I have the honor to be.

Your ob't serv't,

F. H. STEEVENS, *President.*

Which communication was laid on the table, and ordered to be printed.

Mr. Summers then moved to take up said communication for immediate consideration, which was agreed to, and the same was thereupon,

On motion of Mr. Etheridge, referred to a select committee.

The president announced Messrs. Etheridge, Kercheval and Wing as said select committee.

The President announced a communication from the Secretary of State, in compliance with a resolution heretofore adopted, giving a list of the organized townships in the state, &c., which was referred to the committee on towns and counties.

Mr. McCamly presented two petitions relative to establishing the county site of Ottawa county, and legalizing last election, which were referred to a select committee.

The President announced as said committee Messrs. McCamly, Etheridge and Gidley.

Mr. Summers offered the following resolution, which was laid on the table :

*Resolved*, That the committee on printing be requested to report as early as convenient the bill making appropriations to John S. Bagg.

Mr. Woodbridge offered certain resolutions relative to removing certain convicts to state prison, &c., which was read twice, and referred to the committee on the judiciary.

The following bills were read a third time and passed, viz :

A bill to extend the time of payment of the university and school moneys, and for other purposes.

A bill to ascertain the value of a certain school section in the county of Branch.

A bill relative to school books and books for school district libraries.

A bill to legalize the elections of school inspectors elected for the year eighteen hundred and thirty-seven.

A bill to incorporate the Grand River theological seminary ; the last named bill being duly passed by a two-thirds vote.

The bill to provide for the renewal of sheriff's and treasurer's bonds, was read a third time and laid on the table.

The president announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
February 27, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate the following entitled bills, which they have passed, and ask the concurrence of the Senate therein :

“A bill to legalize the proceedings of the township meeting of the townships of Metamora and Elba, in the county of Lapeer.”

“A bill requiring certain returns to be made from incorporated academies, and other literary institutions.”

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill relative to the townships of Metamora and Elba, was read twice and referred to the committee on towns and counties.

The bill requiring certain returns, &c., was read twice and referred to the committee on literature.

The Senate then went into committee of the whole, Mr. Bradford in the chair, on the “bill to promote agriculture,” and after a time the committee rose, and having through their chairman reported the bill back with amendments, were discharged from the further consideration of the subject.

Said bill with amendments, was thereupon recommitted to the committee on agriculture.

Mr. Wing, from the committee on the judiciary, to whom was referred the resolution offered by Mr. Woodbridge this morning, reported a bill authorizing the removal of certain convicts to the state prison, which was read twice.

On motion, the rules were suspended, and said bill was read the third time and passed.

On motion of Mr. Greenly,

The Senate went into executive session,  
 When the doors were opened,  
 The President announced the following communication, which  
 was read, laid on the table, and ordered to be printed.

OFFICE OF INTERNAL IMPROVEMENT, }  
*Detroit, February 27, 1839.* }

*Honorable E. MUNDY, President of the Senate :*

I have the honor to transmit to you a report on the resolution passed yesterday, requiring information as to the number of engineers employed on the Clinton and Kalamazoo canal, and their salaries, &c., which I beg leave to have submitted to the honorable the Senate.

Respectfully yours, &c.,

JAMES B. HUNT,

*Acting Com'r on the Clinton and Kalamazoo canal.*

[*See Senate Document No. 22.*]

Mr. Greenly called up the bill to abolish imprisonment for debt; whereupon

On motion of Mr. Bradford, the same was read a third time by title, and passed, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Kingsley,	Mr. Wing,
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge, 12

NAYS.

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On motion of Mr. Kingsley, the Senate adjourned.

## THURSDAY, FEBRUARY 28.

The Senate met, and was called to order by the President.

Prayer by Rev Mr. Chaplin.

The roll being called, there were absent Messrs. Cook and Summers, who afterwards appeared and took their seats.

Absent on leave, Messrs. Gordon, Harrington and Hawkins.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
February 27, 1839. }

*To the President of the Senate :*

Sir: I am instructed by the House of Representatives to return to the Senate the "bill to authorize the removal of certain convicts to the state prison," with amendments, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate concurred in the amendment passed by the House, striking out the word "Jacksonburgh," and substituting "Jackson."

The amendment by the House to strike out the third section of said bill was not concurred in, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	3
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NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	9

The amendment passed by the House to strike out the fourth section was not concurred in, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Gidley,	
Mr. Curtis,	Mr. Etheridge,	Mr. McCamly,	6

NAYS.

Mr. Greenly,	Mr. Summers,	Mr. Wing,	
Mr. Kercheval,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Kingsley,			7

Mr. Trowbridge presented several memorials, signed by eight hundred and forty-three citizens of Michigan, praying for the repeal of the license laws, and prohibiting the sale of intoxicating drinks, which were read and referred to the committee on state affairs.

The President announced two messages from the Governor, by Mr. Porter, private secretary, in the words following :

EXECUTIVE DEPARTMENT, }  
February 27, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

“ An act relative to the records of the court of probate for the county of Cass.”

“ A joint resolution relative to the payment of witnesses who attended on the committee of investigation on the location of the northern and southern railroad.”

“ A joint resolution relative to the Ypsilanti and Tecumseh railroad company.”

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
February 27, 1839. }

*To the Senate :*

I enclose herewith a communication, with other papers, from C. A. Emerson, cashier of the Bank of Macomb county, which I am requested to lay before the legislature.

S. T. MASON.

[*See Senate Document No. 26.*]

The documents in relation to the Macomb county bank were referred to the committee on incorporations.

Mr. Summers offered the following resolution :

*Resolved*, That the select committee to whom was referred the communication of F. H. Steevens, president of the State bank, be requested to report at as early a period as possible.

Which was laid on the table, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Kercheval,	Mr. M'Camly,	6

NAYS.

Mr. Curtis,	Mr. Summers,	Mr. Trowbridge,	
Mr. Drake,			4

Mr. Summers called up the resolution laid on the table, instructing the committee on printing to report on John S. Bagg's bill, and the same being under consideration, was, on motion of Mr. Bradford, laid on the table, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Trowbridge,	
Mr. Curtis,	Mr. McCamly,	Mr. Wing,	6

## NAYS.

Mr. Drake,	Mr. Greenly,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,		5

On motion of Mr. Drake,

*Resolved*, That the committee on the judiciary be instructed to inquire what alterations (if any) are necessary to be made in the school laws, to secure and provide for the collection of demands against such districts as have been or shall be abolished, or merged in other districts; also, to make more explicit the law authorizing the location of sites for school-houses, and for removing the same.

Mr. Bradford offered the following resolution :

*Resolved*, That the select committee to whom was referred yesterday the communication from the president of the State bank of Michigan, requesting the appointment of an impartial committee to inquire into the condition of the bank, and to suggest to the legislature such measures as will secure the public interests, be instructed forthwith to investigate the condition of the State bank in the fullest manner, and to make as early a report as possible to the Senate, on the present condition of said bank, and in relation to such measures as will secure the public interest, and that said committee be invested with power to send for persons and papers.

On motion of Mr. Kingsley, the resolution was laid on the table, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Kercheval,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,	Mr. Trowbridge,	9

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Wing,	3
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The Senate then went into committee of the whole, Mr. Curtis in the chair, on the bill supplementary to an act "authorizing the building of the state penitentiary," and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The Senate then went into committee of the whole, Mr. Greenly in the chair, on the "bill relative to levying executions on real estate and setting off the same at an appraised value," and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The Senate then went into committee of the whole, Mr. Drake in the chair, on the "bill to amend part first, title seven, chapter four, revised statutes," and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

On motion of Mr. Drake,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the laws regulating proceedings in attachment—regulating sheriff's fees in serving attachments; also of amending the laws regulating the collection of moneys from sheriffs and constables, in cases rising upon executions placed in their hands.

Mr. Etheridge, from the select committee, appointed yesterday, to consider the communication from the State bank, submitted the following report:

*To the Hon. Senate of the State of Michigan:*

The select committee to whom was referred the communication from F. H. Steevens, president of the Michigan state bank, requesting the appointment of an impartial committee to inquire into the condition of said bank and to suggest to the legislature such measures as will secure the public interest, respectfully report:

That having had under consideration the subject of the communication and acts and circumstances connected therewith, find that on the twenty-eighth of January, by a resolution of the Senate, the committee on incorporations were directed to inquire into the amount of money belonging to the state at present in deposit in the State bank of Michigan, on what terms the same may be deposited, and the general situation and circumstances of such deposit, with leave to report by bill or otherwise, and with power to send for persons and papers.

Your committee have no official information of the causes that prevented the committee on incorporations from making the above



examination and report. But we are satisfied that such duty ought to be performed without delay, and as the chairman of the committee on incorporations is now absent, your committee would therefore respectfully recommend the appointment of two additional members of the committee on incorporations, with instructions to said committee to perform, without unnecessary delay, the duties assigned to them by the resolutions of the Senate of the twenty-eighth January. **SAMUEL ETHERIDGE.**

Mr. Bradford moved that the same be laid upon the table and printed.

Mr. Summers called for a division of the question, and moved that the report be laid on the table, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Trowbridge,	3
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## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Kingsley,	
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	6

Mr. Summers moved to amend the report of the committee by "striking out all relative to the resolution of twenty-eighth January," which motion was afterwards withdrawn.

Mr. Summers then moved that the report be recommitted to the select committee, with instructions to amend the same in accordance with his preceding motion, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Summers,	Mr. Trowbridge,	3
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,		8

Mr. Summers then renewed his motion to amend said report ; pending which,

Mr. Etheridge protested against the power of the Senate to entertain such a motion.

The President decided the motion was in order.

Mr. Etheridge appealed ; whereupon the decision of the President was sustained, by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Kingsley,	Mr. Summers,
Mr. Greenly,	Mr. McCamly,	Mr. Trowbridge,
Mr. Kercheval,		

7

## NAYS.

Mr. Bradford,	Mr. Etheridge,	2
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The question then recurring on Mr. Summers' motion to amend, the same was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Summers,	Mr. Trowbridge,	3
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,
Mr. Etheridge,	Mr. Kingsley,	8

The report of the select committee was then adopted, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,
Mr. Etheridge,	Mr. Kingsley,	8

## NAYS.

Mr. Drake,	Mr. Summers,	Mr. Trowbridge,	3
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On motion of Mr. Trowbridge,

*Resolved*, That two members be added to the committee on incorporations, to assist in examining into the condition of the funds of the state in the Michigan state bank, under the various resolutions referring this matter to said committee.

And the president thereupon appointed as said additional members, Messrs. Etheridge and Kercheval.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
February 28, 1889. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate the following entitled bills, which they

have passed, and respectfully ask the concurrence of the Senate therein :

“ A bill to organize and divide certain townships.”

“ A bill to amend the revised law in relation to taverns and other licensed houses ”

“ A bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan.”

Also to return the “ bill to authorize the removal of certain convicts to the state prison,” and respectfully inform the Senate that the House have receded from their amendment striking out the third section, and again amended the same, and that they insist upon retaining their amendment striking out the fourth section.

E. J. ROBERTS,

*Clerk House of Representatives.*

On motion of Mr. Bradford,

The Senate concurred in the amendment insisted on by the House to strike out the fourth section.

The Senate refused to recede from their previous action on said bill as to the other amendment ; when,

On motion of Mr. Summers, a committee of conference was ordered, and the President thereupon appointed as said committee, Messrs. Greenly and Gidley.

The Senate granted Mr. Cook leave of absence until Tuesday next.

The Senate granted Mr. Hawkins leave of absence until Saturday next.

On motion of Mr. McCamly, the Senate adjourned.

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## FRIDAY, MARCH 1.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent Messrs. Kercheval and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook, Gordon, Harrington and Hawkins.

The President announced Mr. Summers as one of the members of the committee of conference ordered yesterday.

Mr. Greenly presented the petition of the River Raisin and Lake Erie railroad company for relief and a sale of their road to the state, which was read, and referred to committee on internal improvement.

Mr. Woodbridge presented the remonstrance of the board of regents against the report or passage by the Senate of the bill for the relief of certain settlers on the university and state lands, which was read.

Mr. Kercheval moved to refer the same to the committee on state affairs.

Mr. Bradford moved to refer the same to a select committee.

Pending the discussion,

On motion of Mr. Woodbridge, the deposition of C. C. Douglass was read.

The President having decided that the question of reference to the committee on state affairs, was to be first entertained, Mr. Bradford appealed, and the Senate sustained the President, by yeas and nays, as follows :

#### YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. M'Camly,	Mr. Wing,
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,

9

#### NAYS.

Mr. Bradford,	Mr. Drake,	Mr. Etheridge,
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3

The question then recurring on referring to the committee on state affairs, it was so ordered, by yeas and nays, as follows :

#### YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Summers,
Mr. Gidley,	Mr. Kingsley,	Mr. Trowbridge,
Mr. Greenly,		

7

#### NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Wing,
Mr. Drake,	Mr. M'Camly,	Mr. Woodbridge,

6

Mr. Drake presented the petition of Reuben McCreary, for

authority to erect a dam across Flint river, which was referred to the committee on the judiciary.

Mr. Drake presented a copy of the Pontiac Courier, containing the proceedings of the Oakland county anti-slavery society, and the same was, on his motion, referred to the committee on state affairs.

Mr. Etheridge, from the committee on towns and counties, reported a bill to organize certain townships, and for other purposes, which was read twice and referred to the committee of the whole.

Mr. Greenly, from the committee on literature, reported back without amendment, the bill requiring certain returns to be made from incorporated academies and other literary institutions, and the same was ordered to the third reading.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 1, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives, to announce to the Senate the appointment of Messrs. McKee, Goodwin and Acker, as the committee of conference on the part of the House, in relation to the existing disagreement on the bill to authorize the removal of certain convicts to the state prison.

E. J. ROBERTS,

*Clerk House of Representatives.*

The following bills received yesterday from the House of Representatives, were then disposed of, as follows :

A bill to organize and divide certain townships, was read twice, and referred to the committee on towns and counties.

A bill to amend the revised law in relation to taverns and other licensed houses, was read twice and referred to the committee on the judiciary.

A bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, was read twice and referred to the committee on towns and counties.

Mr. Etheridge, from the committee on towns and counties, reported back without amendment, a bill to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of Lapeer, and the same was ordered to a third reading.

On motion of Mr. Drake,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the laws regulating the foreclosure of mortgages, so that mortgagers shall have the same right to redeem when foreclosures are made in chancery, as when by advertisement under the statute.

Also, to make more explicit the laws regulating the giving or publishing notice of mortgage sale.

On motion of Mr. Drake,

*Resolved*, That a committee be appointed, whose duty it shall be to inquire into the manner the public funds have been expended in the erection of the state penitentiary; particularly to inquire whether the commissioners have observed such rules and regulations as have been conducive to the public interest or not; and particularly by what authority the commissioners changed or altered the original plan of the building to be erected, and whether the change so made, has or will be a cause of increasing or diminishing the expenses of the building and its appurtenances, and by what authority they have exceeded the yearly appropriations in expenditures, and that the committee have power to send for persons and papers.

Whereupon, the President announced as the select committee in pursuance thereof, Messrs. Drake, McCamly and Gidley.

Mr. Drake, from the committee on finance, reported back the resolution relative to the delinquency of counties in state taxes, heretofore referred to said committee, and moved to be discharged from further consideration of the subject, which was agreed to, and,

On motion, said resolution was thereupon referred to the committee on state affairs.

The "bill requiring certain returns," &c. was read the third time, and duly passed by a majority of two-thirds.

Mr. Greenly, from the committee on conference, reported back

the "bill to authorize the removal of certain convicts," &c. with the following amendment :

Section 3. "That the same be audited by the Auditor General, and paid to said keeper out of the state treasury, on his warrant : " and the report of the committee was adopted, and the amendment concurred in.

The President announced the following communication from the acting commissioner of the central railroad :

ACTING COMMISSIONER'S OFFICE, }  
Detroit, March 1, 1839. }

*To the Senate and House of Representatives :*

Gentlemen—The suspension of specie payments by the Michigan state bank, has made it my duty to call the attention of the legislature to the embarrassments under which the undersigned labors at this time, in fulfilling the obligations of the state to the contractors on our public works.

At the time the bank suspended payment, I had deposited to my credit in said bank as acting commissioner, the sum of two thousand five hundred and seventy-two dollars and ninety-five cents. Since that time, I have received in money, and drawn my checks, to the amount of seven hundred and fifty-nine dollars and seventy-five cents, which will leave at this time in the bank, the sum of one thousand eight hundred and thirteen dollars and twenty cents.

The time has now arrived when it becomes necessary for me to pay off the estimates for labor done during the month of February, on the central railroad.

I have just been informed by the president of the bank, that it will be impossible for them to place me in such funds as will enable me to fulfil the obligations of the state.

Under these circumstances, I would respectfully ask of the legislature, what course I shall pursue, and what measures I shall adopt to secure the faith of the state inviolate, and the prosecution of our public works : for without some aid from some source, the one must be violated and the other abandoned.

The early attention of the legislature to this communication, is respectfully solicited.

Your ob't serv't,

E. H. LOTHROP,

*Acting Commissioner.*

The same was referred to the committee on internal improvement.

On motion, the Senate adjourned.

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### SATURDAY, MARCH 2.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent Messrs Curtis and McCamly, who afterwards appeared, and took their seats.

Absent on leave, Messrs. Cook, Harrington and Hawkins.

Mr. Etheridge, from the committee on towns and counties, reported back the following bills:

"A bill to organize and divide certain townships," which was ordered to a third reading.

"A bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield, and Otsego, in the county of Allegan," with amendments, which, having been agreed to, the same was ordered to a third reading.

Mr. Trowbridge, from the committee on agriculture, reported back "A bill to promote agriculture," with amendments, which were agreed to, and the same was ordered to be engrossed for a third reading.

The bill relative to "the townships of Metamora and Elba," as ordered yesterday, was read a third time, and,

On motion of Mr. Woodbridge,

Was recommitted to the committee on towns and counties.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
March 2, 1839. }

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to re-



turn to the Senate the "bill to authorize the removal of certain convicts to the state prison," and respectfully inform the Senate that the amendment proposed thereto by the committee of conference has been concurred in by the House, and the bill passed.

E. J. ROBERTS,

*Clerk House of Representatives.*

The President announced a message from the Governor, by Mr. Porter, private secretary, on executive business.

The bill relative to "Allegan, Plainfield and Otsego," was read a third time, and,

On motion of Mr. Woodbridge, was laid on the table.

The "bill to organize and divide certain townships," was read the third time, and,

On motion of Mr. Gordon, was laid on the table.

Mr. Summers called up the resolution heretofore laid on the table, "to suspend the geological survey," the Senate agreeing thereto, by yeas and nays, as follows :

YEAS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Summers,	Mr. Woodbridge,
Mr. Gidley,		

7

NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,
Mr. Curtis,		

4

The same being under consideration, and read twice :

Mr. Etheridge moved the following amendment :

After the words "geological survey," insert the words "and Clinton and Kalamazoo canal."

Mr. Bradford moved to lay the whole subject upon the table, which was disagreed to, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Kercheval,
Mr. Curtis,	Mr. Greenly,	

5

## NAYS.

Mr. Drake,	Mr. Kingsley,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Trowbridge,		8

Mr. Greenly thereupon moved a call of the house, which being ordered, Mr. McCamly was absent.

Mr. Bradford moved that the sergeant-at-arms be directed to procure the attendance of Mr. McCamly, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Etheridge,	3
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## NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	
Mr. Greenly,			10

Mr. Bradford moved to lay the whole subject on the table, on which motion,

Mr Summers, on leave, addressed the Senate.

Mr. Etheridge asked leave to reply, which was not granted, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Drake,	Mr. Kingsley,		5

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,	Mr. Wing,	
Mr. Gordon,			8

The question then recurring on laying on the table, the Senate disagreed thereto, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	
Mr. Etheridge,			4

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	9

The amendment being then under consideration, was lost, by yeas and nays, as follows :

## YEAS.

Mr. Etheridge,

1

## NAYS.

Mr. Bradford,

Mr. Gordon,

Mr. Summers,

Mr. Curtis,

Mr. Greenly,

Mr. Trowbridge,

Mr. Drake,

Mr. Kercheval,

Mr. Wing,

Mr. Gidley,

Mr. Kingsley,

Mr. Woodbridge, 12

Mr. Drake moved to refer the resolution to the committee on literature ; pending which,

On motion of Mr. Kingsley, the resolution was laid upon the table, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,

Mr. Greenly,

Mr. Trowbridge,

Mr. Curtis,

Mr. Kercheval,

Mr. Wing,

Mr. Etheridge,

Mr. Kingsley,

8

## NAYS.

Mr. Drake,

Mr. Gordon,

Mr. Woodbridge,

Mr. Gidley,

Mr. Summers,

5

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 2, 1839.

*To the President of the Senate :*

Sir :—The House of Representatives have passed a bill to amend an act, entitled “ An act to incorporate the city of Monroe,” approved March twenty-seven, eighteen hundred and thirty-seven,” and instructed me to transmit the same to the Senate, and respectfully ask their concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said bill having been read twice, the rules, on motion of Mr. Wing, were suspended, and the bill was read a third time, and concurred in.

On motion, an additional member was ordered to the standing committee on enrolled bills ; whereupon,

The President, in pursuance, appointed Mr. Kercheval.

Mr. Kercheval, from the committee on enrolled bills, reported as correctly enrolled, the "bill authorizing the removal of certain convicts," &c.

Mr. Kingsley, from the committee on internal improvement, reported a "bill to effect a temporary loan of two hundred thousand dollars, to carry on the internal improvements of the state," which was read twice.

Mr. Bradford moved to suspend rules, pending which the Senate,

On motion of Mr. Drake,

Agreed to recommitting said bill to the committee on internal improvement.

The Senate then went into committee of the whole, Mr. Wing in the chair, on the "bill authorizing an assessment to be made in a certain school district in the township of Plymouth, in the county of Wayne, and for other purposes;" and after a time, the committee rose, and through their chairman reported progress, and asked leave to sit again, which leave was not granted.

Sundry amendments made by the committee of the whole to said bill, were read and concurred in, and

Mr. Bradford moved to recommit the bill to the committee on state affairs, which was not agreed to.

Mr. Bradford moved to amend the third section.

The President pronounced the motion out of order.

Mr. Bradford then moved to re-consider the vote of concurrence, which was not agreed to.

Mr. Kingsley moved to lay the bill on the table, which was lost.

On motion of Mr. Curtis, the bill was then ordered to a third reading, by yeas and nays, as follows:

#### YEAS.

Mr. Curtis,  
Mr. Drake,  
Mr. Gidley,  
Mr. Gordon,

Mr. Greenly,  
Mr. Kercheval,  
Mr. Kingsley,  
Mr. M'Camly,

Mr. Summers,  
Mr. Trowbridge,  
Mr. Wing,  
Mr. Woodbridge, 12

## NAYS.

Mr. Bradford, Mr. Etheridge, 2

Mr. Kingsley, from the committee on internal improvement, reported a substitute for the bill authorizing a temporary loan, re-committed to said committee.

Mr. Drake moved to lay the same on the table, which was not agreed to; and thereupon the bill was ordered to a third reading.

Mr. Greenly moved to suspend the rules, but withdrew his motion.

On motion of Mr. Drake,

*Resolved*, That a committee be appointed to inquire where the Treasurer of the state deposits the moneys belonging to the state, and as to what changes, if any, are necessary to be made in the law regulating the deposits.

Whereupon, the President appointed Messrs. Drake, Kingsley, and Woodbridge, committee in pursuance thereof.

Mr. Drake laid the following resolution on the table:

*Resolved*, That a committee be instructed to inquire into the expediency of reducing the salaries now paid to the various public officers of the state.

The President announced two messages from the Governor:

EXECUTIVE DEPARTMENT, }  
March 2, 1839. }

*To the Senate:*

I have this day approved and filed in the office of the Secretary of state,

"An act to authorize the removal of certain convicts to the state prison."

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
March 2, 1839. }

*To the Senate:*

I have this day approved and filed in the office of the Secretary of state,

"An act to amend an act entitled 'an act to incorporate the city of Monroe,' approved March 27, 1837."

S. T. MASON.

On motion of Mr. Curtis, the Senate adjourned.

## MONDAY, MARCH 4.

The Senate met, and was called to order by the President.

Prayer by Rev. Mr. Chaplin.

The roll being called, there were absent, Messrs. Curtis, Harrington, Wing and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Mr. Cook.

Mr. McCamly presented the petition from the inhabitants of Barry township to be set off into two separate townships, which was referred to the committee on towns and counties.

Also the petition of inhabitants of Calhoun and Kalamazoo counties for the appointment of commissioners to lay out state road, which was referred to the committee on roads and bridges.

Mr. Summers presented the remonstrance of sundry citizens of the towns of China and St. Clair, against the annexation of part of the town of St. Clair to the town of China, which was referred to the committee on towns and counties.

On motion of Mr. Summers, the committee of the whole were discharged from the further consideration of the bill "to establish certain township lines in the county of St. Clair, and for other purposes," and the same was likewise referred to the committee on towns and counties.

The "bill to authorize the Governor to make a temporary loan," was read the third time.

On motion of Mr. Hawkins, the bill was recommitted to the committee on internal improvement, "with instructions so to amend the bill as to provide that the interest to be paid on the anticipation of the said July payment shall not exceed seven per cent, and shall be paid out as directed by law on account of the appropriations heretofore made for the works of internal improvement now in progress," or in their discretion to report a new bill.

Mr. Hawkins presented the petition of C. L. Crouse and others, for annexing the west tier of towns in Oakland to Livingston county, which was referred to the committee on towns and counties.

Mr. Gidley presented a petition of inhabitants of Jackson

county for altering the name of West Portage, in said county, which was referred to the committee on towns and counties.

Mr. Hawkins presented the remonstrance of certain citizens of said county, against same petition, which was also referred to the committee on towns and counties.

The President offered a communication from John D. Pierce, Superintendent of Public Instruction, in compliance with the resolution of the twenty-third ultimo, "in regard to the petition of James H. Hanchett," which was read and referred to the committee on literature.

The "bill to promote agriculture," was read the third time and passed, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		14

## NAYS.

Mr. Etheridge,	Mr. McCamly,	2
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The "bill authorizing an assessment to be made in a certain school district in the township of Plymouth, in the county of Wayne," was read the third time.

Mr. Curtis moved that the same be recommitted to the committee on state affairs, with instructions so to amend the fifth section as to render it "imperative on the county commissioners to raise the same amount of money as the township may receive from the state for school purposes," which was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Etheridge,			7

## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	6

The Senate then went into committee of the whole, Mr. Curtis in the chair, on the "bill to amend the act to incorporate the

village of Niles, and the acts amendatory thereto," and after a time the committee rose, and through their chairman reported the bill back with amendments, in which the Senate concurred. The concurrence in the amendment to the third section was by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Drake,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Etheridge,			10

## NAYS.

Mr. Greenly,	Mr. Hawkins,	Mr. Summers,	
Mr. Harrington,	Mr. Kingsley,		5

The section as amended, was then agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Drake,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Etheridge,			10

## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Summers,	
Mr. Greenly,			4

The bill was then ordered to the third reading, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gidley,			13

## NAYS.

Mr. Greenly,	Mr. Hawkins,	Mr. Summers,	3
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The question being then taken on its final passage, and two-thirds being required, the same was lost, by the following vote :



## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Trowbridge,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,
Mr. Drake,	Mr. McCamly,	Mr. Woodbridge,

9

## NAYS.

Mr. Gidley,	Mr. Harrington,	Mr. Kingsley,
Mr. Gordon,	Mr. Hawkins,	Mr. Summers,
Mr. Greenly,		

7

On motion of Mr. Gordon, the House "bill to organize and divide certain townships," &c. laid on the table on the second instant, was taken up for consideration.

Mr. Kercheval moved that the committee of the whole be discharged from the further consideration of the Senate bill for the same purpose, which was agreed to : and on motion of Mr. Gordon, both bills were referred to the committee on towns and counties.

On motion of Mr. Bradford, the Senate agreed to reconsider their vote on the bill relative to Niles, and the same was thereupon recommitted to committee on incorporations.

Mr. Kingsley, from the committee on internal improvement, reported back the bill authorizing a temporary loan, &c. with an amendment.

Mr. Drake moved to lay the same on the table, which was not agreed to.

On motion of Mr. Hawkins, the bill was amended by adding the following :

"Sec. 3. That the above moneys arising from said loan shall be placed in such bank or banks as the Auditor General may direct."

On motion of Mr. Kingsley, it was further amended by providing that the act should take effect immediately on its passage.

On motion of Mr. Woodbridge, the words "Auditor General," were substituted for the word "Governor," in the first section.

Mr. Summers moved to recommit the bill to the committee on internal improvement, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Drake,  
Mr. Gidley,  
Mr. Gordon,

Mr. Harrington,  
Mr. Kercheval,

Mr. Summers,  
Mr. Trowbridge,

7

## NAYS.

Mr. Bradford,  
Mr. Curtis,  
Mr. Etheridge,

Mr. Greenly,  
Mr. Hawkins,  
Mr. Kingsley,

Mr. McCamly,  
Mr. Wing,  
Mr. Woodbridge, 9

Mr. Kingsley offered the following amendment, to be added to second section, "and provided always, that the said sum or sums of money, so to be obtained, shall be paid out of said instalment," which was agreed to.

On motion of Mr. Bradford, the bill was then recommitted to the committee on internal improvement.

Mr. Hawkins, from the committee on incorporations, reported back with amendments, the "bill relative to Niles."

The amendment was agreed to, and the bill was thereupon duly passed by two-thirds.

Mr. Summers called up the resolution "to suspend the geological survey," and the same was referred to the committee on state affairs.

The President announced the two following messages from the Governor, by Mr. Porter, private secretary.

EXECUTIVE DEPARTMENT, }  
March 4, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State :

An act to ascertain the value of a certain school section in the county of Branch.

An act relative to school books and books for school district libraries.

An act requiring certain returns to be made from incorporated academies and other literary institutions.

An act to extend the time of payment of the university and school moneys, and for other purposes.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
March 4, 1839. }

*To the Senate :*

I transmit herewith certain resolutions passed by the general assembly of the state of Indiana, relative to the interference of the non-slave holding states with the subject of slavery, which I am requested to lay before the legislature of this state.

S. T. MASON.

And the resolutions passed by the general assembly of Indiana were referred to the committee on state affairs.

On motion of Mr. Drake, the Senate adjourned.

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## TUESDAY, MARCH 5.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent, Messrs. Bradford, Etheridge, Harrington, McCamly, Summers and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Mr. Cook.

Mr. Greenly presented the petition of A. J. Comstock and other citizens of Lenawee county, for the enactment of a law making real and personal estate, at a fair appraisement, available for the payment of debts, which was read, and referred to the select committee appointed on that subject.

Mr. Etheridge, from the committee on towns and counties, reported adverse to the petition of divers citizens to alter the name of West Portage, in Jackson county, which report was adopted, and the committee discharged from further consideration of the subject.

Mr. Bradford, from the majority of the committee on internal improvement, reported back the bill to anticipate the next July instalment of the five million loan, with amendments, which was agreed to, and,

On motion of Mr. Kercheval, the bill was laid on the table.

On motion of Mr. Summers, the vote of instructions yesterday given to the committee on state affairs, relative to the bill autho-

rizing an assessment in Plymouth, was reconsidered ; whereupon, Mr. Curtis withdrew the same.

The President announced a communication from the State Geologist, which was read and referred to the committee on state affairs.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 5, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate “ a bill to legalize the township elections of the townships of Alhedon and Aurelius,” which has been passed by them, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said bill was read twice and referred to the committee on towns and counties.

Mr. Gordon presented the remonstrance of three hundred and twenty-four citizens of Detroit, against the enactment of any law setting off real estate at an appraised value for the payment of debts, which was read and referred to the committee of the whole.

The Senate then went into committee of the whole, Mr. Drake in the chair, on the “ bill to amend part one, title seven, chapter four, revised statutes,” and after a time the committee rose, and through their chairman reported the bill back with amendments, which were concurred in.

Mr. Kingsley moved to lay the bill on the table, which was not agreed to.

After discussion, Mr. Hawkins moved to lay the bill on the table, the vote thereon being a tie, as follows :

YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Kingsley,	

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Wing,	
Mr. Gidley,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		8

The President gave his casting vote in the affirmative, and the bill was laid on the table.

Mr. Harrington moved that the Senate adjourn, which was not agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Harrington,	Mr. Summers,	
Mr. Greenly,			4

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	12

Mr. Drake moved that the Senate go into executive session, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Greenly,	Mr. Summers,	8
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## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	12

On motion of Mr. Kingsley,

The Senate then took up the bill to anticipate the payment of the July instalment.

The President called Mr. Kercheval to the chair.

Mr. Drake moved to recommit the bill to the committee on internal improvement, which was agreed to.

On motion of Mr. Bradford, the Senate adjourned.

## WEDNESDAY, MARCH 6.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent Messrs. Summers and Trowbridge, who afterwards appeared and took their seats.

Absent on leave, Mr. Cook.

Mr. Hawkins, from the committee on incorporations, reported a bill "to repeal the acts appointing and defining the powers and duties of bank commissioners," which was read twice and referred to the committee of the whole.

Mr. Bradford moved that the same be printed, which was not agreed to.

Mr. Wing, from the committee on the judiciary, reported back with amendment, "an act to ascertain and settle damages for flowing land by the erection of mill dams;" the amendment was agreed to, and the bill referred to the committee of the whole.

Mr. Kingsley, from the committee on internal improvement, reported back with amendment the bill anticipating the July instalment.

Mr. Bradford, from minority of same committee, reported "an act to regulate the mode of payment of public moneys heretofore appropriated for works of internal improvement out of the instalment of the five million loan, due July 1st, 1839."

Mr. Bradford moved that the bills reported by the committee and the minority thereof be both laid on the table and printed.

Mr. Summers calling for a division of the question, the sense of the Senate was first taken on the bill reported by the majority.

The Senate refused to lay the same on the table and print, by yeas and nays, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Etheridge,		

7

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,

9

Pending the question to lay on the table and print the bill reported by the minority,

The chair ruled that the report of the minority could not be entertained by the Senate as of equal import with the report of the committee, and decided accordingly that the motion before the Senate was out of order.

Mr. Bradford appealed, but as the question was about to be put, withdrew his appeal, and offered the report of the minority as an amendment to the amendment reported by the committee, and moved that the same be adopted; pending the question of the adoption,

Mr. Wing moved that the whole be referred to the committee of the whole.

Mr. Bradford moved to print the same.

The Senate agreed to refer the same to the committee of the whole, and on the question to print, the yeas and nays were as follows:

#### YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,
Mr. Curtis,	Mr. Greenly,	Mr. Wing,
Mr. Drake,	Mr. Harrington,	Mr. Woodbridge, 9

#### NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Kingsley,
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge, 6

The President announced a communication from K. Pritchette, bank commissioner, as follows:

*March 6, 1839.*

*To the Hon. EDWARD MUNDY,*

*President of the Senate:*

Sir—I have the honor to transmit to the legislature the accompanying report and documents, as the result of the examination of the Macomb county bank, in obedience to their joint resolution.

Very respectfully,

K. PRITCHETTE,

*Bank Commissioner.*

[See Senate Document No. 26.]

And the report and documents were referred to the committee on incorporations.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
March 6, 1839. }

*To the President of the Senate:*

Sir—I am instructed by the House of Representatives to transmit to the Senate “a bill to provide for the voluntary dissolution of corporations and to prescribe the duties of receivers in chancery in certain cases, and for other purposes,” and a bill to amend an act entitled “an act to incorporate the Port Sheldon and Grand Rapids railroad company,” which they have passed, and respectfully ask the concurrence of the Senate therein.

I am also instructed to transmit to the Senate “a bill to authorize the county of Lenawee to borrow a certain sum of money,” which they have passed, and also, “a joint resolution relative to the election of a United States senator,” and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The “bill to provide for the voluntary dissolution,” &c., was read twice and referred to the committee on the judiciary.

The bill relative to Port Sheldon and Grand Rapids railroad company, was read twice and referred to the committee on internal improvement.

The “bill to authorize the county of Lenawee,” &c., was read twice and referred to the committee of the whole.

The joint resolution in relation to United States senator was read, and the question being on its adoption,

Mr. Sumners moved to amend the same by substituting the “second Monday” for the “fourth Monday;” when,

On motion of Mr. Greenly, the resolution and amendment were laid on the table, by yeas and nays, as follows:

YEAS.

Mr. Bradford,  
Mr. Curtis,  
Mr. Etheridge,  
Mr. Greenly,

Mr. Harrington,  
Mr. Hawkins,  
Mr. Kercheval,

Mr. Kingsley,  
Mr. McCamly,  
Mr. Woodbridge,



## NAYS.

Mr. Drake,  
Mr. Gidley,

Mr. Gordon,  
Mr. Summers,

Mr. Trowbridge,

5

On motion of Mr. Summers,

*Resolved*, That the committee on finance be authorized and required to proceed, ascertain how much is due from the Michigan state bank to the state of Michigan, and to make such arrangements with that institution for the future payment of what may be due, as will secure the payment with as little prejudice to the institution as may be, and to report by bill or otherwise.

On motion of Mr. Harrington.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing an act entitled "an act to organize and regulate banking associations," approved March 5th, 1837; and also, the act entitled "an act to organize and regulate banking associations, and for other purposes," approved December 30th, 1837.

On motion of Mr. Woodbridge,

*Resolved*, That the State Geologist report to the Senate if there exist any outstanding contracts not yet executed, and if any, what, relative to the geological surveys in progress.

*Resolved further*, That the said State Geologist report to the Senate, with all convenient despatch, what loss, injury or detriment might result from a temporary suspension of said geological survey. And if in any respect such injury should be likely, in the opinion of said Geologist, to be incurred, then that he report what part of said survey in particular would be prejudiced by such suspension.

Mr. Woodbridge presented a petition of Cornelius Mitchell, for redress for services rendered during the prevalence of the Asiatic cholera, which was referred to the committee on claims.

Mr. Harrington presented a petition of William Brown and others, for an alteration in state road, which was referred to the committee on roads and bridges.

Mr. Bradford gave notice that at some future day he would ask leave to introduce a bill to provide for the erection of suitable buildings for the branches of the university.

Mr. Harrington submitted the following resolution :

*Resolved*, That the Hon. Thomas Fitzgerald, late bank commissioner, be requested to furnish a statement of specie certificates or loans of specie used or at any time held by any banks in this state, giving the names of the persons furnishing the same, and that such statement be attached to the report of K. Pritchette, bank commissioner, relative to specie certificates issued to create banks, &c., and that one thousand of each be printed for the use of the Senate.

And the same was adopted, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greely,	Mr. McCainly,		15

## NAYS.

Mr. Drake,	1
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The President announced two messages from the Governor, by Mr. Porter, private secretary, one being on executive business, the other as follows :

EXECUTIVE DEPARTMENT, }  
March 6, 1839.

*To the Senate :*

I enclose herewith certain resolutions passed by the legislature of Connecticut, relative to the disposition of the public lands of the United States, which I am requested to lay before the legislature.

S. T. MASON.

And the resolutions from Connecticut were referred to the committee on state affairs.

On motion of Mr. Kercheval,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of providing by law for the appointment of a committee, at the commencement of each session of the legislature, whose duty it shall be to examine into all accounts of disbursements made on account of the state, and that they have leave to report by bill or otherwise.

On motion of Mr. Kercheval, it was ordered that two members

be added to the committee on the militia ; whereupon, the President announced Messrs. Woodbridge and Wing in pursuance thereof.

On motion of Mr. Woodbridge, the " bill to provide for the assessment and collection of taxes for the year 1838," &c., was taken from the table and referred to the committee of the whole.

The Senate then went into committee of the whole, Mr. Gordon in the chair, on said bill, and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Wing offered the following resolution :

*Resolved*, That the sergeant-at-arms be instructed to place on the tables of each member of the Senate, a due proportion of the reports, bills, or other documents hereafter to be printed for the use of the Senate.

Mr. Hawkins moved to adjourn, which was not agreed to.

Mr. Hawkins moved to lay the resolution on the table, which was not agreed to, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Hawkins,	3
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#### NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Summers,		11

Mr. Hawkins moved a call of the Senate, which was not sustained, by yeas and nays, as follows :

#### YEAS.

Mr. Bradford,	Mr. Hawkins,	2
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#### NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,	12

Mr. Bradford offered the following amendment :

To strike out all after the word " resolved," and insert : " That the officers of the Senate be directed to furnish the table of each

member with two copies of every document ordered by the Senate and House of Representatives to be printed.

And the same was lost, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Hawkins,	
Mr. Etheridge,			4

## NAYS.

Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Drake,	Mr. McCamly,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	9

Mr. Hawkins moved to lay the resolution on the table, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	2
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## NAYS.

Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Drake,	Mr. McCamly,	Mr. Wing,	
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	
Mr. Greenly,			10

Mr. Greenly moved the previous question, which was sustained, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Wing,	
Mr. Etheridge,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		11

## NAYS.

Mr. Bradford,	Mr. Hawkins,	2
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The resolution was then adopted, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Gordon,	Mr. McCamly,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Hawkins,	
Mr. Drake,			4

Mr. Hawkins moved to adjourn, which was lost, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Hawkins,	3
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## NAYS.

Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Drake,	Mr. McCamly,	Mr. Wing,	
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	
Mr. Greenly,			10

On motion of Mr. Curtis,

*Resolved*, That the committee on printing be instructed to inquire into the propriety of providing by law for the compensation to be paid for the state printing and binding, and report by bill or otherwise.

Mr. Summers moved to adjourn, which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Wing,	
Mr. Etheridge,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		11

## NAYS.

Mr. Bradford,	Mr. Hawkins,	2
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And the Senate adjourned.

## THURSDAY, MARCH 7.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, Mr. McCamly was absent, but afterwards appeared and took his seat.

Absent on leave, Mr. Cook.

Mr. Kingsley presented a petition of sundry inhabitants of Washtenaw county, praying for the passage of a law making it penal for attorneys to refuse or neglect to pay over money collected by them, which was read and referred to the committee on state affairs.

Mr. Greenly presented a petition of H. J. Tyler and Co., for compensation for printing, which was referred to the committee on claims.

Mr. Wing, from the committee on the judiciary, reported back the following bills :

"A bill to amend the revised law in relation to taverns and other licensed houses," with amendment, which was agreed to, and the same was referred to the committee of the whole.

"A bill to provide for the voluntary dissolution of corporations," &c., without amendment, and the same was referred to the committee of the whole.

Mr. Kingsley, from the committee on internal improvement, reported back the "bill to amend an act entitled 'an act to incorporate the Port Sheldon and Grand Rapids railroad company,'" with amendment, which was agreed to, and the same was referred to the committee of the whole.

On motion of Mr. Summers, the joint resolution from the House relative to the election of United States senator was taken up.

The question being on the amendment yesterday offered by Mr. Summers, the same was agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,	Mr. Gidley,	Mr. Kercheval,
Mr. Drake,	Mr. Gordon,	Mr. Summers.
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge, 9

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge, 6

The joint resolution as amended, was then adopted, by yeas and nays, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Etheridge,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kercheval,	8

## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. M'Camly,
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gidley,		

7

The Senate then went into committee of the whole, Mr. Kercheval in the chair, on the "bill to anticipate the next July instalment of the five million loan," the amendment offered thereto by the committee on internal improvement, and the substitute therefor submitted by Mr. Bradford; after a time the committee rose, and through their chairman reported the bill back with amendments.

Mr. Bradford again offered in Senate, his amendment to the amendment, and the same was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Etheridge,		

7

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,

9

Mr. Greenly moved to strike out from the report of the committee the words "Auditor General," and insert "Secretary of State."

Pending discussion,

Mr. Hawkins moved the previous question, which was agreed to.

The question being then taken on the amendment to substitute "Secretary of State" for "Auditor General," it was negatived, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Etheridge,		

7

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	9

On motion of Mr. Kercheval, the words "and materials furnished," were inserted after the words "labor done."

Mr. Bradford moved to adjourn, yeas and nays as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,		8

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		8

The President cast his vote in the negative.

Mr. Etheridge moved to adjourn, yeas and nays as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,		8

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		8

The President cast his vote in the negative.

Mr. Hawkins moved the previous question on adopting the amendment reported by the committee, which the Senate sustained, by yeas and nays, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,			7



The amendment reported by the committee was then adopted, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,			7

Mr. Bradford moved to adjourn, yeas and nays as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Harrington,	Mr. McCamly,	6

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,			10

The amendment was then ordered to be engrossed for a third reading, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,			7

On motion of Mr. Hawkins, the Senate adjourned.

## FRIDAY, MARCH 8.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Chaplin.

The roll being called, there were absent, Messrs. Curtis, Gordon, Wing and Woodbridge, who afterwards appeared and took their seats.

Mr. Harrington, from the committee on printing, reported back, without amendment, the bill making appropriations to John S. Bagg, and the same was, with accompanying documents, referred to the committee of the whole.

Mr. Etheridge presented the petition of citizens to improve the St. Joseph river, which was referred to the committee on internal improvement.

The president announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 5, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate “a joint resolution requesting the Governor to direct a more efficient organization of the militia of the state,” &c., which they have passed, and request the concurrence of the Senate therein.

Also, to return to the Senate the joint resolution relative to the election of a United States senator, and inform the Senate that they have non-concurred in their amendment thereto.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the resolution to request the Governor, &c., was read twice :

And the Senate insisting on their amendment to the resolution relative to United States senator, the President announced Messrs. Summers, Kercheval and Gidley, committee of conference thereon.

The President submitted a communication from Thomas Fitzgerald, late bank commissioner, in compliance with the resolution of the sixth inst., as follows :

HOUSE OF REPRESENTATIVES, }  
March 6, 1839. }

*Hon. EDWARD MUNDY,*

*President of the Senate :*

Sir—I have had the honor to receive a copy of a “resolution adopted by the Senate, requesting me, as late bank commissioner, to furnish a statement of specie certificates or loans of specie used or at any time held by any banks in this state, giving the names of the persons furnishing the same, and that such statement be attached to the report of K. Pritchette, bank commissioner, relative to specie certificates issued to create banks,” &c., and would respectfully inform you, that I have examined Mr. Pritchette’s statement, and so far as it goes, and my own knowledge extends, it is substantially correct; and although I am confident it does not embrace all the certificates used in the third circuit, or of money loaned as aforesaid, my recollection is not sufficiently distinct to justify an assertion in regard to any particular case at this time. During my late official investigations, I kept a memorandum, which, at the time, it was my intention to publish to the people of Michigan upon my own responsibility, for their information, so soon as the several banks had completed their securities, which I deemed essential to the public interest. Upon my resignation, it was either handed among other papers to my successor, or yet remains in my possession among my private papers, at Niles.

I am of the opinion there cannot be more than three or four cases, perhaps not so many, which came to my knowledge, that have not already been reported, and so far as I can recollect, they would not implicate any certificate makers, not already named in Mr. Pritchette’s report.

Very respectfully,

Your ob’t serv’t,

THOMAS FITZGERALD.

Mr. Harrington offered the following resolution :

*Resolved*, That the state printer be directed to attach to the one thousand copies of K. Pritchette’s bank commissioner’s report, already ordered, the communication to the Senate, just read from the honorable Thomas Fitzgerald, late bank commissioner.

The Senate disagreed thereto, by yeas and nays, as follows :

YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Greenly,		

NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Trowbridge,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,	Mr. Summers,	11

And the communication was laid on the table.

The president announced a communication from the State Geologist, as follows :

OFFICE OF STATE GEOLOGIST, }  
 Detroit, March 6, 1839. }

*To the Honorable Senate of Michigan :*

In compliance with a resolution from your honorable body, instructing the State Geologist to inquire into the propriety of making the saline springs in the township of Saline, Washtenaw county, a point to be examined at the expense of the state, for the purpose of ascertaining the practicability of manufacturing salt at that place, and report to the Senate—the undersigned would respectfully report :

That the state saline in question, occurring, as it does, in a smaller basin somewhat distinct from, or rather forming a single arm of the great salt deposits of the state, was deemed a point where operations could not be conducted with so great hope of success, as at the points where the examinations have been commenced. It is perhaps unnecessary to enter into a description of the different circumstances under which these salines are situated, since it would involve a mass of data that could scarcely be rendered intelligible, unaccompanied by diagrams of the country.

The points at which to commence examinations, were selected with the most rigid endeavor to take those only at which, all circumstances combined, would render it most conclusive that the operations would be attended with success. The main question will be tested by the examinations which are now being made, and these examinations will, to a very great extent, determine the

probability of success which would attend improvements commenced at Saline, in Washtenaw county, as well as at the several springs in Macomb and Wayne counties.

Should the examinations now being made prove successful, as there is certainly much reason to hope, it will no doubt be desirable to make examinations of a similar character, more particularly at Saline, in Washtenaw, and on Salt river of Macomb county. The machinery necessary for those examinations, will be already on hand, in consequence of which the expense will be comparatively small, at that time ; while, were the examinations commenced at this time, the state would be involved in an unnecessary expenditure of money.

In view of these facts, as well as of the short time which will elapse before the works now commenced will be brought to a close, it may be deemed advisable to defer the examinations at the point in question, at least until those already commenced be carried so far as to determine the quality and quantity of the salt water obtained.

All which is respectfully submitted,

DOUGLASS HOUGHTON,

*State Geologist.*

And the communication was referred to the committee on state affairs.

On motion of Mr. McCamly,

*Resolved*, That the committee on finance be instructed to inquire into the present situation of the loan made by the Executive on the credit of the state, of one hundred thousand dollars, for the Marshall and Allegan railroad company ; whether said company or any one of them has received the whole or any part of said loan, if so, on what conditions, what security has been given for the same, and if said company has not received the whole, or any part thereof, whether it has been loaned to any person or persons, and what security, and make report thereof with as little delay as practicable.

Mr. Gidley laid the following resolution on the table :

*Resolved*, (if the House of Representatives concur herein,) That this legislature will adjourn on Monday, the first day of April next.

Mr. Hawkins submitted the following resolution :

*Resolved*, That this Senate will have two sessions a day from and after Saturday next, commencing at half past nine o'clock, A. M., and half past two o'clock, P. M., and that no leave of absence be granted to any member, unless in case of sickness.

A division of the resolution having been called for, the Senate agreed to that part thereof relating to two sessions daily, but negatived that part relative to leave of absence, as follows :

#### YEAS.

Mr. Gidley,  
Mr. Hawkins,

Mr. Kercheval,

Mr. Summers,

4

#### NAYS.

Mr. Bradford,  
Mr. Cook,  
Mr. Drake,  
Mr. Etheridge,

Mr. Gordon,  
Mr. Greenly,  
Mr. Harrington,  
Mr. Kingsley,

Mr. McCamly,  
Mr. Trowbridge,  
Mr. Woodbridge,

11

Mr. Gordon, on leave, introduced, in pursuance of previous notice, "a bill to incorporate the Marshall female academy," which was read twice and referred to the committee on literature.

On motion of Mr. Drake,

*Resolved*, That a select committee be instructed to inquire into the expediency of purchasing the Pontiac railroad for the state, and further, to inquire upon what terms that railroad can be purchased, and to report the result of the inquiry by bill or otherwise.

And the President announced as the select committee in pursuance thereof, Messrs. Drake, Hawkins and McCamly.

The bill to authorize the Auditor General to obtain money, &c. was read the third time.

The Senate then went into committee of the whole, Mr. Gordon in the chair, on the "bill to provide for the assessment and collection of taxes for the year eighteen hundred and thirty-eight, and for other purposes," and after some time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The Senate then went into committee of the whole, Mr. Harrington in the chair, on the bill making appropriations to John S.

Bagg, and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Drake gave notice that he would on a future day ask leave to introduce a bill to repeal an act entitled "an act in relation to supervisors," approved April 6, 1838.

On motion of Mr. Bradford, the Senate adjourned.

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### SATURDAY, MARCH, 9.

The Senate met, and was called to order by Mr. Kercheval, acting President, pro tem.

The roll being called, there were absent Messrs. Cook, Harrington, McCamly and Woodbridge, who afterwards appeared and took their seats.

Leave of absence was granted to Messrs. Kingsley, Trowbridge and Wing.

On motion of Mr. Drake,

*Resolved*, That the Governor be requested to inform the Senate whether any drafts have been drawn for those portions of the five million loan, payable in the months of March and April, one thousand eight hundred and thirty-nine, or not; if any drafts have been drawn, for the purpose of obtaining those, or either of those portions of money, by whom the drafts have been drawn, in whose favor, and at what time.

Mr. Summers submitted a communication from Conrad Ten Eyck, "respecting certain damages awarded to him," &c. which was read and laid upon the table.

On motion, it was ordered, that a member be substituted on the committee of conference, in place of Mr. Kercheval, president pro tem., whereupon, Mr. Curtis was appointed, in pursuance thereof.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
March 8, 1839.

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to transmit to the Senate, the following bills:

"A bill establishing the counties of Kishcaugo and Mohegan, and defining the boundaries of the county of Sanilac."

Also, "a bill to organize the county of Clinton," which have passed the House, and respectfully ask the concurrence of the Senate therein.

Also "a bill to amend title two, of the third part of the revised statutes," which they have passed.

I am also instructed to inform the Senate that Messrs. Livermore, Renwick and Pond have been appointed on the part of the House, members of the committee of conference on the joint resolution relative to the election of U. S. Senator.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the "bill establishing the counties of Kishcaugo and Mohegan," &c. and the "bill to organize the county of Clinton," were severally read twice, and referred to the committee on towns and counties.

The bill to amend title two, part three, of the revised statutes, was read twice, and referred to the committee on the judiciary.

On motion of Mr. Gordon, the bill to organize the county of Barry, laid on the table the twenty-sixth ult., was taken up, and the third section thereof stricken out.

And the bill was then passed.

Mr. Summers, from the committee of conference, on the joint resolution in relation to the election of a United States Senator, reported, that they had agreed to amend the resolution, by directing the election to take place on the third Tuesday of March.

Mr. Bradford moved to lay the report on the table, which motion was lost, the Senate being equally divided, as follows:

#### YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Woodbridge,
Mr. Etheridge,		

7

#### NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Kercheval,
Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Gidley,		

7

Pending the further discussion thereon,



On motion of Mr. Curtis, the report was laid on the table, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,
Mr. Cook,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Harrington,	Mr. Woodbridge, 9

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Kercheval,
Mr. Gidley,	Mr. Hawkins,	5

Mr. Drake, on leave, introduced, in pursuance of previous notice, a " bill to repeal an act entitled an act in relation to supervisors," approved April six, eighteen hundred and thirty-eight, which was read twice.

On motion of Mr. Greenly, the rules were suspended, and the same was read a third time and passed.

Mr. Gordon, from the committee on the judiciary, reported back, with amendment, the bill to amend title two of part three of the revised statutes.

The amendment was agreed to.

Mr. Bradford moved to strike out the latter manuscript clause of the 6th section, which prevailed, the Senate being equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. M'Camly,
Mr. Cook,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Drake,		7

## NAYS

Mr. Curtis,	Mr. Greenly,	Mr. Hawkins,
Mr. Gidley,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,		7

The President pro tem. cast his vote in the affirmative.

On motion, the seventh section was stricken out.

Mr. Bradford moved to lay the bill on the table, which motion was lost, the Senate being equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Kercheval,
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,
Mr. Etheridge,		7

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,			7

The amendment was not agreed to.

The bill was then ordered to a third reading.

Mr. Summers offered the following resolution :

*Resolved*; That during the remainder of this session of the legislature; it shall not be in order for any member of the Senate to occupy the floor in debate for a longer time than fifteen minutes, on any one question, without the unanimous consent of the Senate.

Mr. Hawkins moved to lay the same on the table, which was disagreed to, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Curtis,	Mr. Hawkins,	
Mr. Cook,	Mr. Etheridge,	Mr. Woodbridge,	6

## NAYS.

Mr. Drake,	Mr. Greenly,	Mr. M'Camly,	
Mr. Gidley,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,		8

On motion of Mr. Hawkins, a call of the Senate was ordered, which having been done, Mr. Harrington was absent.

On motion of Mr. Hawkins, the sergeant-at-arms was ordered to procure the attendance of Mr. Harrington.

On motion of Mr. Bradford, the Senate adjourned.

## MONDAY, MARCH 11.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Badin.

The roll being called, Messrs. Gidley and McCamly were absent, but afterwards appeared and took their seats.

Absent on leave, Messrs. Kingsley, Trowbridge and Wing.

Mr. Drake, from the committee on towns and counties, reported the following bills :

"A bill establishing the counties of Kishcaugo and Mobegan, and defining the boundaries of the county of Sanilac," with amendments; referred to the committee of the whole.

"A bill (House of Representatives,) to organize and divide certain townships."

"An act (Senate,) to organize certain townships and for other purposes," with amendments.

"A bill to establish certain township lines in the county of St. Clair, and for other purposes," with amendments; severally referred to the committee of the whole.

"A bill to organize the county of Clinton," with amendments, which having been agreed to, the same was ordered to a third reading.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
March 9, 1839. }

*To the President of the Senate:*

Sir—I am instructed by the House of Representatives to transmit to the Senate "a bill to regulate township elections in newly organized townships," which they have passed, and respectfully ask their concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill was read twice and ordered to the third reading: the rules were, on motion of Mr. Harrington, suspended, and the bill, having been read the third time, passed the Senate.

The bill to organize the county of Clinton, was read a third time and passed.

The "bill to amend title two, part three, revised statutes," was read a third time and passed.

Mr. Harrington presented a petition of Samuel F. Hopkins and others, to establish the lines of the township of China, in the county of St. Clair; referred to committee of the whole.

The Senate then took up Mr. Summers' resolution relative to much speaking, during the consideration of which the Senate adjourned on Saturday.

Mr. Summers moved to substitute "twenty minutes" for "fifteen minutes," which was disagreed to as follows :

## YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Gidley,			4

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Hawkins,	
Mr. Drake,	Mr. Greenly,	Mr. McCamly,	
Mr. Etheridge,	Mr. Harrington,	Mr. Woodbridge,	9

The question was then taken on the resolution, and the same was lost, as follows :

## YEAS.

Mr. Curtis,	Mr. Gidley,	Mr. Summers,	3
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## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kercheval,	
Mr. Cook,	Mr. Greenly,	Mr. M'Camly,	
Mr. Drake,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Hawkins,		11

On motion of Mr. Harrington,

*Resolved*, That the committee on the judiciary be instructed to inquire whether prisoners heretofore sentenced to imprisonment at hard labor in any of the county jails in this state can properly be removed to the state prison to serve out the unexpired time of their sentence, and that they have leave to report by bill or otherwise.

A communication was submitted from the state geologist, which was referred to the committee on state affairs and ordered to be printed.

[See Senate Document No. 25.]

The Senate then went into committee of the whole, Mr. Hawkins in the chair, on the "bill establishing the counties of Kishcaugo and Mohegan," &c. and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The President announced a message from the Governor, by Mr. Porter, his private secretary, in the words following :

EXECUTIVE DEPARTMENT, }  
March 11, 1839. }

*To the Senate :*

In answer to a resolution of the Senate of the ninth instant, I would beg leave to state, that no drafts have been drawn on account of the March and April instalments of the five million loan. It will be recollected by the Senate that the commission of two and a half per cent will make the stock par less one hundred and twenty-five thousand dollars ; this sum, it will be seen, absorbs the whole of the March and part of the April instalments. The balance of the April instalment, after settling the account of interest for the year one thousand eight hundred and thirty-eight, will be subject to the order of the state of Michigan by draft at ninety days from the first of the ensuing month. The remaining three million seven hundred thousand dollars will be payable in quarterly sums of two hundred and fifty thousand dollars, from the first of July, one thousand eight hundred and thirty-nine.

S. T. MASON.

And the same was laid on the table and ordered to be printed.

Mr. Summers moved that the committee on incorporations be allowed to hold their sittings during the session of the Senate.

Mr. Drake moved to amend the resolution by including the committee on finance and the committee on towns and counties.

The amendment was not agreed to ; and the resolution then passed.

Mr. Etheridge moved that the select committee on the state prison be directed to visit Jackson and fulfil their instructions, which was agreed to.

On motion of Mr. Gordon,

*Resolved*, That the committee on the judiciary be, and they are hereby instructed, to inquire into the expediency of making some alteration in the law providing for the election of United States senator, with leave to report by bill or otherwise.

Mr. Summers moved that the resolution adopted for two sessions daily be rescinded, and that the Senate hereafter meet at nine o'clock A. M. which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. McCamly,		8

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Hawkins,	
Mr. Gidley,	Mr. Harrington,		5

On motion of Mr. Hawkins, the Senate adjourned.

## TUESDAY, MARCH 12.

The Senate met, and was called to order by the President.

The roll being called, there were absent Messrs. Drake, McCamly, Summers and Trowbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook and Wing.

Mr. Harrington presented the petition of R. P. Eldredge, for relief for defending criminals; referred to the committee on claims.

Also, two memorials from H. N. Monson and others, relative to the town of China; referred to the committee of the whole.

Mr. Hawkins, from the committee on incorporations, reported "a bill to repeal an act to incorporate the Macomb and Saginaw railroad company, and for other purposes, approved August 24, 1835," and the same was read twice, and with the accompanying documents, was referred to the committee of the whole and ordered to be printed.

Mr. Greenly, from the committee on literature, reported back without amendment, the "bill to incorporate the Marshall female seminary," which was referred to the committee of the whole and ordered to be printed.

Mr. Gordon, from the committee on the judiciary, reported a "bill to provide for the election of senators to Congress," which was read twice.

Mr. Hawkins moved to refer the same to the committee of the whole.

Mr. Bradford moved to amend by an order to print, which was not agreed to.

Mr. Bradford moved to reconsider the vote on his amendment, which was agreed to as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. McCamly,		8

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Harrington,	
Mr. Gidley,	Mr. Greenly,		5

The amendment was then agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. McCamly,		8

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Gordon,	Mr. Harrington,		5

Mr. Hawkins then moved the bill be referred to the committee of the whole, and printed ; and a division of the question having been called for, the motion was disposed of as follows :

On the reference to the committee of the whole,

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	12

## NAYS.

Mr. Curtis,	Mr. Greenly,		2
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On the printing,

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,			7

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Gordon,	Mr. Harrington,	Mr. Trowbridge,	6

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 12, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate “a bill to establish the State Bank of Michigan,” which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill was read twice, and referred to the committee on incorporations.

On motion of Mr. Harrington,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of repealing the charter of the bank of Ypsilanti, and that they have leave to report by bill or otherwise.

On motion of Mr. Greenly, the committee of the whole were discharged from the consideration of the bill authorizing the county of Lenawee to borrow a certain sum of money, and on motion of Mr. Gidley, the same was read the third time and passed.

Mr. Summers moved to take up the bill “authorizing the Auditor General to obtain money,” &c., which was agreed to, as follows :

#### YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,

6

#### NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. McCamly,
Mr. Etheridge,	Mr. Kercheval,	

5

Pending discussion on the passage of the said bill,

Mr. Hawkins moved the previous question, which was sustained, as follows :

#### YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,

9



## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	6

Mr. Bradford offered the following resolution, which was pronounced out of order :

*Resolved,* That the bill now pending before the Senate be committed to a select committee of three, with instructions so to amend it, as to provide for an anticipation of the balance of the April instalment of one hundred thousand dollars, and the whole of the July instalment of two hundred and fifty thousand dollars, of the five million loan, by a treasury system, independent of all connection with deposit banks.

The question then recurring on the passage of the bill, it was decided in the affirmative, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	6

The Senate then went into committee of the whole, Mr. Gidley in the chair, on the bill making appropriations to John S. Bagg, &c., and after a time the committee rose, having through their chairman reported the bill back, with the following amendment, to come in after the last section as a proviso : "and also, that the further sum of twenty per cent be deducted from each of the respective sums of money appropriated by this act." And the committee were discharged from the further consideration of the subject.

Mr. Harrington moved to lay the bill, as amended, on the table, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Etheridge,	Mr. Harrington,		5

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,			10

Mr. Harrington moved a call of the Senate, which was not sustained.

Mr. Bradford moved to adjourn, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	3
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## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	12

Mr. Harrington moved to amend the amendment by striking out "twenty," and substituting "ten" per cent, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Kercheval,	Mr. McCamly,	
Mr. Greenly,			7

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		8

Mr. Harrington moved to recommit the bill to the committee on state affairs, which was not agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Etheridge,	Mr. Harrington,		5

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,			10

Mr. Hawkins offered the following amendment to the amendment by the committee of the whole :

Strike out all after the word "also," and insert, "the further sum of five thousand two hundred dollars be deducted from the sums before appropriated by the provisions of this act."

And the same was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,			4

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Drake,	Mr. Greenly,	Mr. McCamly,	
Mr. Etheridge,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,		11

Mr. Greenly moved to refer the bill to the committee on finance, with instructions, &c., which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			7

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,		8

The amendment by the committee of the whole was then concurred in, as follows :

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		8

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Kercheval,	Mr. McCamly,	
Mr. Greenly,			7

Mr. Hawkins moved that the bill be read the third time, which was agreed to, and the bill passed the Senate by the following vote :

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		8

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Kercheval,	Mr. McCamly,	
Mr. Greenly,			7

On motion of Mr. Hawkins, the vote to print the bill relative to electing a United States senator was reconsidered, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Kingsley,		11

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. M'Camly,	
Mr. Drake,			4

The question on printing the same was then decided in the negative, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Drake,	Mr. Gidley,		5

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,			10

The Senate extended the leave of absence granted to Mr. Wing until to-morrow.

On motion of Mr. Drake,

*Resolved*, That the committee authorized to examine and investigate the acts of the commissioner on the Penitentiary, be authorized to appoint some person or persons to serve subpoenas, and to execute the orders of the committee during the investigation, and that the chairman of the committee be authorized to administer oaths.

On motion of Mr. Summers, the Senate adjourned.

## WEDNESDAY, MARCH 13.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Badin.

The roll being called, there were absent, Messrs. Cook, Etheridge, Harrington, Kercheval and McCamly, who afterwards appeared and took their seats.

Mr. Hawkins, from the committee on incorporations, reported back, without amendment, the "bill to establish the state bank of Michigan," and the same was referred to the committee of the whole.

Mr. Harrington, from the committee on the judiciary, reported "a bill to amend the revised statutes, and to supply certain omissions therein," which was read twice and referred to the committee of the whole, and ordered to be printed.

Mr. Trowbridge presented the petition of Elijah S. Fisk and others, of Oakland, for a repeal of the license laws, which was referred to the committee on state affairs.

Also, the petition of J. B. Taylor and others, of Oakland, for a state bank, which was referred to the committee of the whole.

The Senate then went into committee of the whole, Mr. Gordon in the chair, on "the bill to provide for the assessment and collection of taxes for the year one thousand eight hundred and thirty-eight, and for other purposes," and after a time the committee rose, and through their chairman reported the bill back to the Senate, with amendments.

Mr. Curtis moved that the bill be laid on the table, and that the amendment be printed; agreed to.

The Senate then went into committee of the whole, Mr. Greenly in the chair, on the "bill to provide for the election of senators to congress," and after a time the committee rose, and having through their chairman reported progress, were discharged from further consideration of the subject.

The adoption of the amendment, made by the committee of the whole, as follows, to the second section, being under consideration,

"That a majority of the members elect of both branches of the legislature shall be necessary to a choice,"

Was decided by the President in the negative, the Senate being equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. McCamly,		8

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,		8

Mr. Bradford moved to lay on the table and print the bill, which was disagreed to.

Mr. Drake moved to recommit the bill to the committee on elections, agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Kingsley,		11

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Gordon,	Mr. Harrington,	Mr. Wing,	6

On motion of Mr. Drake,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the laws as to authorize the collectors to retain five per cent upon the amount of their tax rolls.

On motion of Mr. Drake,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the law providing for and regulating the partition of real estate, so that upon proceedings duly instituted in any circuit court of any county in the state, a partition may be made of lands lying in any other county.

Mr. Kercheval, from the committee on the militia, offered the following resolution :

Whereas numerous offices in the militia are now vacant, and whereas, an immediate and effective organization of the same is deemed important :

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is hereby au-

thorized to fill by commission, all vacancies which may exist in the militia, any law to the contrary notwithstanding.

And the same was laid on the table.

On motion of Mr. Kingsley, the Senate adjourned.

### THURSDAY, MARCH 14.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Badin.

The roll being called, Mr. Woodbridge was absent, who afterwards appeared and took his seat.

Absent on leave, Messrs. Drake and Gidley.

Mr. Etheridge presented a petition from S. Brown and others, relative to southern railroad.

Also a release from certain owners of land on the southern route; which were referred to committee on internal improvement.

Mr. Kercheval presented the claim of Lemuel Goodell, sheriff of Wayne county, for attendance on supreme court and court of chancery, which was referred to committee on claims.

The President announced a message from the Governor, by Mr. Porter, his private secretary, as follows:

EXECUTIVE DEPARTMENT, }  
March 12, 1839.

*To the Senate:*

I have this day approved and filed in the office of the Secretary of State,

“An act to organize the county of Clinton.

“An act to regulate township elections in newly organized townships.”

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

S. T. MASON.

HOUSE OF REPRESENTATIVES, }  
March 13, 1839.

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to transmit to the Senate a joint resolution providing “for the gov-

ernment of joint conventions," and a joint "preamble and resolution relative to procuring certain plats of United States surveys in this state," which they have passed, and respectfully ask the concurrence of the Senate therein.

Also, to transmit a "bill to organize certain townships and for other purposes," which they have passed, and respectfully ask concurrence therein.

Also, to return the "bill to organize the county of Barry," and inform the Senate that they have concurred therein, with an amendment thereto, to which the concurrence of the Senate is asked.

Also, the "bill to legalize the elections of school inspectors elected for the year 1837," which they have passed.

Also, the "bill to amend title two of part three, revised statutes," and inform the Senate that the House have non-concurred in the amendments thereto, and have appointed Messrs. Gibbs, Adam and Acker, a committee of conference thereon.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the joint resolution for the government of the joint convention was concurred in, after amending the same by substituting "three from the Senate, for 'two,'" &c.

The "preamble and resolution, relative to procuring certain plats," &c. were concurred in.

The "bill to organize certain townships, and for other purposes," was read twice and referred to the committee on towns and counties.

The "bill to organize the county of Barry," as amended by the House, was concurred in, and the same was ordered to be enrolled.

The "bill to legalize the elections of school inspectors," &c. was ordered to be enrolled.

Mr. Summers moved that the Senate recede from their amendments to the "bill to amend title two, part three, of the revised statutes," which was disagreed to, as follows :

YEAS.

Mr. Curtis;  
Mr. Gordon;

Mr. Greenly,  
Mr. Harrington,

Mr. Summers,  
Mr. Wing,

6



## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Cook,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Kingsley,		8

And the President appointed Messrs. Woodbridge, Kingsley and Bradford, a committee of conference on said bill.

Mr. Bradford, from the committee on elections, reported back with amendments, the bill regulating the election of U. S. Senator, which,

On motion of Mr. Hawkins, was referred to the committee of the whole.

Mr. Cook submitted the following joint resolution :

A resolution to ascertain the number of the militia.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the several township assessors within this state, after the first of April next, at the time of making assessments, to ascertain, as near as possible, the number of persons between the ages of eighteen and forty-five years, liable to do militia duty, within their respective townships, and make due and immediate return of the same to the county commissioners, and they to the adjutant general ; and that the Secretary of State forward a copy of this resolution, as soon as may be practicable after its adoption, to each of the township clerks within this state.

And the same was read twice and ordered to the third reading.

Mr. Cook gave notice that on some future day he should ask leave to bring in a bill to incorporate the Royal Oak and Farmington railroad company.

Mr. Summers moved that the Senate go into committee of the whole, on the bill regulating the election of U. S. Senator, which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Kingale,	
Mr. Etheridge,	Mr. Kercheval,	Mr Summers,	
Mr. Greenly,			7

## NAYS.

Mr. Bradford,	Mr. Trowbridge,	Mr. Woodbridge,
Mr. Hawkins,		

Whereupon, the Senate went into committee of the whole on said bill, Mr. Greenly in the chair, and after a time, the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Greenly moved to adjourn, which was not agreed to.

Mr. Bradford moved to go into committee of the whole, on the state bank bill, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Hawkins,	2
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## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		11

On motion of Mr. Cook, the joint resolution yesterday offered by Mr. Kercheval was taken up and passed.

On motion of Mr. Greenly, the Senate adjourned.

## FRIDAY, MARCH 15.

The Senate met, and was called to order by the President.

Prayer by Rev Mr. Badin.

The roll being called, there were absent Messrs. Greenly, Kercheval, Summers and Trowbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Drake, Gidley and McCamly.

Mr. Kingsley presented a remonstrance of certain citizens, and a remonstrance of the common council of Ypsilanti, against repealing the charter of that place, which were referred to the committee on incorporations.

Mr. Woodbridge, from the committee on state affairs, reported back, with amendments, the "bill authorizing an assessment to be made in a certain school district in the township of Plymouth, in the county of Wayne, and for other purposes;" the amendments were agreed to ; on the following, the yeas and nays were taken, as subjoined :

Fifth amendment proposed by the committee on state affairs :

Insert as section seven, "No tax shall be levied by any school district, except by the concurring vote of two-thirds of the voters present at any regular meeting for that purpose called, and no school district shall incur any penalty, nor be deprived of its proper proportion of any school or literary fund, by reason of its not having raised and collected a district tax within and for such school district."

## YEAS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Etheridge,	2
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Mr. Bradford offered the following amendment :

In the third section, strike out all after the word "time," in the sixth line, to the word "but," in the ninth line, viz : the words "and notwithstanding that no tax for the library, school-house, or common school may have been regularly assessed or collected in and for such school district or township for any year."

And the same was negatived, as follows :

## YEAS.

Mr. Bradford,	Mr. Cook,	Mr. Etheridge,	3
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## NAYS.

Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,	
Mr. Harrington,	Mr. Summers,	Mr. Woodbridge,	9

Mr. Wing offered the following amendment :

Section 7. In all cases where the farms or tracts of land usually denominated French grants, shall extend so far in depth as that parts or portions of such farms or tracts of land may be embraced within the bounds of two or more school districts, the part or portion of such farms lying within the limits of any district, shall not be assessed or taxed for the building of school-houses, or for the support of schools, except in the district where it lies.

And the same was agreed to.

The bill was then ordered to be engrossed for the third reading.

On motion of Mr. Gordon, the committee of the whole were discharged from the consideration of the bill regulating the election of United States senator, and the same being before the Senate,

Mr. Bradford offered the following amendments thereto :

Strike out all in the present section after the word "by," in the seventh line, and substitute the following words : "a convention of the Senate and House of Representatives, and a majority of the members of each branch of the legislature shall be necessary to a choice."

Section 3. Strike out after the word "by," in the first line of this section, the words "joint vote of the senators and members of the House of Representatives," and substitute the following words : "a convention of the Senate and House of Representatives."

Insert after the word "senators," in the fourth line, and before the word "and," in the same line, the words "and each member of the Senate and House of Representatives, as he is called, shall rise in his place and vote viva voce."

Strike out in the fifteenth line, after the word "if," the words "after six trials."

Insert in the sixteenth line, between the words "convention," and "may," the words "at any time, at its pleasure."

The same were severally negatived, as follows :

On the first amendment,

#### YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Woodbridge,	3
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#### NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers.	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,	9

On the second amendment,

#### YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Woodbridge,	3
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#### NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,	9

On the third amendment,

YEAS.

Mr. Bradford,	Mr. Etheridge,	2
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NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,
Mr. Harrington,		10

On the fourth amendment,

YEAS.

Mr. Bradford,	Mr. Etheridge,	2
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NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,
Mr. Harrington,		10

On the fifth amendment,

YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Woodbridge,	3
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NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,
		9

And said bill was thereupon ordered to be engrossed for the third reading.

On motion of Mr. Kingsley, the committee of the whole were discharged from the "bill from the House of Representatives to organize and divide certain townships," and the said bill being under consideration, the same was amended by attaching thereto the bill of like tenor originating in Senate, and adding to the title of the bill so amended, the words "and for other purposes."

The bill was then, on motion, read the third time and passed.

The president announced two messages from the Governor, by Mr. Porter, his private secretary, one on executive business, and the other as follows :

EXECUTIVE DEPARTMENT, }  
March 15, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State, "an act to legalize the election of school inspectors elected in the year 1837 ;" and "an act to organize the county of Barry."

S. T. MASON.

The bill to incorporate the Berrien county mutual insurance company, laid on the table, was then taken up, and,

On motion of Mr. Bradford,

The Senate went into committee of the whole thereon, Mr. Kingsley in the chair, and after a time the committee rose, and through their chairman reported the bill back to the Senate with amendments, which having been agreed to, the bill was, on motion, read the third time, and on motion of Mr. Hawkins, was laid on the table.

The Senate went into committee of the whole, Mr. Trowbridge in the chair, on the "bill to repeal an act to incorporate the Macomb and Saginaw railroad company, and for other purposes," approved August 24, 1835, and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The Senate then went into committee of the whole, Mr. Wing in the chair, on the "bill for ascertaining and settling damages for flowing lands by the erection of mill dams," and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The joint resolution yesterday submitted by Mr. Kercheval, was read a third time and adopted.

Mr. Etheridge offered the following resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan, That all companies that have been or shall hereafter be chartered for constructing railroads or canals within this state, shall, within a reasonable time after such canals or railroads shall have been surveyed and located, file in the office of the Secretary of State, for the future reference and benefit of said state, a correct map of such surveys ; said map to be so*

made as to exhibit the courses through each section, and in leaving the lines of said sections, the distance to the nearest corners :

Also, vertical lines exhibiting the difference of level and a true profile of the country over which such canals or railroads shall be located.

And the same was referred to the committee on internal improvement.

Mr. Cook, from the standing committee, reported certain bills as correctly enrolled.

On motion of Mr. Greenly, the Senate went into executive session.

When the doors were opened,

On motion of Mr. Kingsley, the Senate adjourned.

### SATURDAY, MARCH 16.

The Senate met, and was called to order by the President.

Prayer by Rev. Mr. Badin.

The roll being called, there was absent, Mr. Woodbridge, who afterwards appeared and took his seat.

Absent on leave, Messrs. Cook, Drake, Gidley and McCamly.

On motion of Mr. Kercheval,

*Resolved*, That the Auditor General be directed to report to the Senate, as early as possible, the amount audited and allowed by him out of the appropriation made by "an act making appropriations to defray the expenses of the militia, and for repairing the state arms," approved March thirty-one, one thousand eight hundred and thirty-eight.

The "bill concerning the apportionment of the common school and library funds, and for other purposes," was read the third time and passed.

Mr. Bradford moved that the Senate go into committee of the whole on the "bill establishing a state bank," which was agreed to, as follows :

#### YEAS.

Mr. Bradford,

Mr. Greenly,

Mr. Kingsley,

Mr. Curtis,

Mr. Hawkins,

Mr. Wing,

Mr. Etheridge,

Mr. Kercheval,

## NAYS.

Mr. Gordon,            Mr. Summers,            Mr. Woodbridge,  
Mr. Harrington,        Mr. Trowbridge,            5

Whereupon, the Senate went into committee of the whole on said bill, Mr. Harrington in the chair, and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Woodbridge, from the committee of conference on the part of the Senate, made a report, which was laid on the table.

Mr. Woodbridge, from the committee on state affairs, to whom was referred a resolution concerning the basement rooms of the capitol, reported the same back, with an amendment, which report was laid on the table and ordered to be printed.

[See Senate Document No. 27.]

Mr. Greenly offered the following resolution :

Whereas, by a joint resolution of the legislature of this state, approved the third day of April, one thousand eight hundred and thirty-eight, the board of internal improvement was required to cause a survey of a railroad route from Centerville to Niles to be made and reported to this legislature :

And whereas, such survey and report has been made pursuant to said resolution, under the direction of Edwin H. Lothrop, one of said board, but no provision is made by law for the payment of the expenses of such survey and report ; therefore,

*Be it resolved, by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be authorized to audit the account of the expenses of such survey, and draw his warrant upon the Treasurer of the state for the amount aforesaid due, which warrant the State Treasurer is hereby authorized to pay out of any money in the treasury belonging to the internal improvement fund not otherwise appropriated.

Which was twice read, and referred to the committee on internal improvement.

The President announced the following communication from the Auditor General, which was laid on the table.



AUDITOR GENERAL'S OFFICE, }  
 Detroit, 16th March, 1839. }

*To the Hon. E. MUNDY, President of the Senate :*

In compliance with a resolution adopted by the Senate this day, I beg leave to report, that on March thirty-first, last past, a warrant was drawn on the State Treasurer for three hundred dollars, and put in the hands of Mr. Comstock, quarter-master, and other accounts have since been audited in favor of other claimants, and warrants issued to the amount of one hundred and ninety-eight dollars and seventeen cents, making in the aggregate an amount of four hundred and ninety-eight dollars and seventeen cents, paid on account of the appropriation approved March thirty-first, one thousand eight hundred and thirty-eight.

Respectfully, your most ob't serv't,

ROBERT ABBOTT, *Aud. Gen.*

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
 March 16, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to return to the Senate “the bill to abolish imprisonment for debt and punish fraudulent debtors,” which has passed the House with amendments.

And also to transmit “a bill supplementary to an act for abolishing imprisonment for debt,” which has passed the House, and respectfully ask the concurrence of the Senate therein.

And also to transmit a joint resolution relative to organizing a certain military corps, which has been adopted by the House, and respectfully to ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill abolishing imprisonment for debt being under consideration, Mr. Harrington moved that it be laid on the table, which was lost, by yeas and nays, as follows :

YEAS.

Mr. Harrington,

Mr. Wing,

Mr. Woodbridge, 3

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	6

The question being upon concurring in the amendments made by the House, Mr. Woodbridge moved that the bill, with the amendments, be referred to the committee on the judiciary, with instructions to insert some provision applicable to the case of contracts entered into with subjects or citizens of a foreign power, which was disagreed to as follows :

## YEAS.

Mr. Gordon,	Mr. Harrington,	Mr. Woodbridge,	3
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Etheridge,			7

To the amendment in section seventeen, Mr. Bradford offered the following amendment, " if the plaintiff, his agent or attorney, be within the county in which the defendant is imprisoned, and if not, then through the medium of the nearest public newspaper," which was agreed to as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Cook,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Etheridge,			7

## NAYS.

Mr. Gordon,	Mr. Greenly,	Mr. Harrington,	8
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And the amendment as amended was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Kingsley,	
Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	6

## NAYS.

Mr. Greenly,	Mr. Wing,	Mr. Woodbridge,	
Mr. Harrington,			4

To the House amendment in section twenty-eight, Mr. Harrington offered the following amendment, " provided that nothing contained in the provisions of this act shall extend or be applied

to debts now contracted by residents of this state with residents of a foreign power, which was agreed to, as follows :

## YEAS.

Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Trowbridge,		8

## NAYS.

Mr. Bradford,	Mr. Cook,	Mr. Etheridge,	3
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And the amendment was agreed to.

Mr. Greenly moved to reconsider the vote on the amendment to section seventeen, which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,			1
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Mr. Greenly then moved to reconsider the vote on the amendment to the amendment offered by Mr. Bradford ;

Pending which discussion, Mr. Hawkins moved to adjourn, which was agreed to, as follows :

## YEAS.

Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Wing,	
Mr. Cook,			4

And the Senate adjourned.

## MONDAY, MARCH 18.

The Senate met, and was called to order by the President.

The roll being called, there were absent, Messrs. Hawkins, Summers and Wing, who afterwards appeared and took their seats.

Absent on leave, Messrs. Drake, Gidley and McCamly.

Mr. Bradford offered his protest against the amendment to the amendment made by the House of Representatives, and adopted by the Senate on Saturday, to the twenty-eighth section of the bill for abolishing imprisonment for debt.

Whereupon, the question was put by the President, whether, under the twelfth section, article four of the constitution, any right of protest existed in the present instance.

Pending the discussion thereon, Mr. Bradford withdrew his protest for the present.

Mr. Woodbridge, from the committee on state affairs, reported a bill for the relief of Martin Kundig, which was read twice and referred to the committee of the whole.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 15, 1839. }

*To the President of the Senate :*

Sir: I am instructed by the House of Representatives to return to the Senate the bill to amend title second of the third part of the revised statutes, and inform the Senate that the House have concurred with the committee of conference thereon.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate concurred with the committee of conference thereon.

The House bill supplementary to an act for abolishing imprisonment for debt, was read twice and referred to the committee on the judiciary.

The House joint resolution relative to a military corps of half breeds and Indians, was read twice, and,

On motion of Mr. Summers, the rules were suspended, and the resolution read a third time and passed.

On motion of Mr. Bradford,

The Senate agreed to proceed to the consideration of the bill for abolishing imprisonment for debt, as amended by the House of Representatives, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Etheridge,	Mr. Kercheval,	11

## NAYS.

Mr. Gordon,	Mr. Summers,	Mr. Woodbridge, 3
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The Senate, at the time of adjournment on Saturday, having been engaged in the consideration of Mr. Greenly's motion to reconsider the votes on the amendment to the House amendment to section seventeen, the same was resumed and agreed to.

The amendment to the amendment was then modified and agreed to, and the amendment as amended was agreed to.

Mr. Kingsley moved to reconsider the vote on the amendment to the House amendment to section twenty-eight, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,		13

## NAYS.

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Mr. Harrington thereupon withdrew his amendment to the House amendment, and offered the following :

“ Provided that nothing contained in the provisions of this act shall extend or be applied to debts now contracted by residents of this state with residents of a foreign power.”

Mr. Summers called the previous question, which was sustained, as follows :

## YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,
Mr. Harrington,		10

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Kingsley,	
Mr. Cook,			4

Whereupon, the main question was put, and the amendment to the amendment agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Summers,		11

## NAYS.

Mr. Bradford,	Mr. Cook,	Mr. Etheridge,	3
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And the House amendment as amended, was then concurred in.

The bill to provide for the election of senator in congress was read the third time and passed, by the following vote :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,		8

## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Trowbridge,		5

Mr. Woodbridge gave notice that at some future day he would ask leave to introduce a bill to amend chapter two, title nine, part one, and also a bill to amend chapter six, title nine, part one.

Mr. Summers submitted the following resolution :

*Resolved,* That the treasurer of this state be directed to place the five hundred thousand dollar bond given as security for the public funds deposited in the State Bank of Michigan, in the possession of the Auditor General.

Mr. Cook moved to lay the same on the table, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Cook,	Mr. Woodbridge,	3
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## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,		11

And the resolution was adopted, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			13

## NAYS.

Mr. Cook,			1
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The Senate then went into committee of the whole, Mr. Harrington in the chair, on the bill to establish a state bank, and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Bradford then offered his protest against the amendment to the House amendment to the twenty-eighth section, proposed by Mr. Harrington, and adopted to-day by the Senate.

The President announced the protest not within the constitutional provisions before referred to, and could not therefore be entertained by the Senate.

Mr. Bradford appealed from the decision of the chair ; whereupon,

The Senate sustained the decision of the President, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,			10

## NAYS.

Mr. Bradford,	Mr. Cook,	Mr. Etheridge,	3
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Mr. Greenly moved to adjourn, which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Hawkins,	
Mr. Gordon,	Mr. Harrington,	Mr. Summers,	6

## NAYS.

Mr. Bradford,	Mr. Kercheval,	Mr. Wing,	
Mr. Cook,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Etheridge,			7

Mr. Woodbridge moved that the protest be entered on the journals as a matter of courtesy ; pending which,

Mr. Wing moved that the whole subject lie on the table, on which the Senate was equally divided, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Greenly,	Mr. Hawkins,	Mr. Wing,	6

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Cook,	Mr. Kercheval,	Mr. Woodbridge,	6

Whereupon, the President gave his casting vote in the negative.

On motion of Mr. Hawkins, the Senate adjourned.

## TUESDAY, MARCH 19.

The Senate met, and was called to order by the President.

The roll being called, there were absent Messrs. Cook, Curtis, Summers and Trowbridge, who afterwards appeared and took their seats.

Absent on leave; Messrs. Drake, Gidley and M'Camly.

Mr. Kingsley presented the claim of E. P. Gardner, for printing, which was referred to the committee on claims.

Mr. Gordon presented the petitions of sundry citizens of Calhoun county, in relation to the proposed alteration in the line of the central railroad, between Marshall and Battle Creek, which were referred to the committee on internal improvement.

The President announced a message from the Governor, by Mr. Porter, private secretary, as follows :



EXECUTIVE DEPARTMENT, }  
March 1<sup>st</sup>, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State.

A joint resolution relative to procuring maps of certain United States surveys.

S. T. MASON.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 18, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the joint resolution “to authorize the Governor to fill vacancies in the state militia,” and inform the Senate that the House have concurred therein.

Also the joint resolution “to ascertain the number of the militia,” with an amendment, in which the concurrence of the Senate is respectfully asked.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the joint resolution to “authorize the Governor to fill vacancies,” &c., was ordered to be enrolled.

And the Senate concurred in the amendment by the House, to the joint resolution, “to ascertain the number of the militia,” and the same was ordered to be enrolled.

On motion of Mr. Kercheval, the Senate took up the bill “to provide for the assessment and collection of taxes for the year eighteen hundred and thirty-eight ;” whereupon,

Mr. Woodbridge offered the following amendment to the amendment made by the committee of the whole, to wit : add to section fourteen, at its close,

“And that part of section three of chapter three of title five of part one, revised statutes, which provides that a specific tax shall be assessed by the county commissioners, shall be construed to apply to the county specific tax, as provided for in this section, and to all county specific taxes at any time hereafter to be levied, and not at any time to any state specific tax.”

And the amendment being agreed to, and the amendment as amended concurred in, said bill was recommitted to the committee on state affairs.

The Senate then went into committee of the whole, Mr. Harrington in the chair, on the "bill to establish a state bank," and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Woodbridge, from the committee on state affairs, reported back the bill "to provide for the assessment and collection of taxes for the year eighteen hundred and thirty-eight," &c., and the same was ordered to the third reading.

On motion of Mr. Kercheval the bill was read the third time and passed.

Mr. Cook, from the standing committee, reported certain joint resolutions as correctly enrolled.

The President submitted a communication from the Attorney General, as follows :

*Detroit, March 19, 1839.*

*Hon. EDWARD MUNDY,*

*President of the Senate,*

Sir :—I have the honor to enclose a report, containing the history of an institution purporting to be the "Farmers' and Merchants' bank of St. Joseph, at Centreville," my opinion as to its corporate existence, its liability to the provisions of the general banking law, and suggestions as to what further legislation is required to afford a proper remedy to the bill-holders and creditors of said institution, in obedience to a resolution of your body of the thirteenth of February last.

With great respect,

P. MOREY,

*Attorney General, Michigan.*

And the communication and report were referred to the committee on the judiciary.

On motion of Mr. Greenly, the Senate went into committee of the whole, Mr. Etheridge in the chair, on the "bill to amend an act entitled 'an act to incorporate the Port Sheldon and Grand Rapids railroad company,'" and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

On motion of Mr. Kercheval, the committee of the whole were discharged from further consideration of the bill "to establish certain township lines, in the county of St. Clair, and for other purposes," and said bill was under consideration, when,

The Senate adjourned.

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### WEDNESDAY, MARCH 20.

The Senate met, and was called to order by the President.

The roll being called, there were absent, Messrs. Cook, Gordon, Greenly, Wing and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Drake, Gidley and McCamly.

The bill "to establish certain township lines in the county of St. Clair, and for other purposes," being the unfinished business, the same was resumed, and on motion of Mr. Bradford, the bill, with a substitute reported by Mr. Woodbridge, was laid on the table and ordered to be printed.

Mr. Cook, from the committee on towns and counties, reported back the bill, (House, number fifty-nine,) "to organize certain townships, and for other purposes," with an amendment to strike out the second section thereof; the amendment having been agreed to, said bill was ordered to the third reading.

Also "a bill to legalize the township elections of the townships of Aliedon and Aurelius," and the "bill to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of Lapeer," severally without amendment.

On motion of Mr. Woodbridge, said bills were laid on the table.

The bill, (House of Representatives, number fifty-nine,) was read the third time and passed as amended.

The Senate then went into committee of the whole, Mr. Harrington in the chair, on the bill "to establish a state bank," and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
 March 20, 1889.

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the “bill to abolish imprisonment for debt and to punish fraudulent debtors,” and respectfully inform the Senate that the House have concurred in the amendment of the Senate to the amendment of the House to the seventeenth section, and non-concurred in the amendment of the Senate to the amendment of the House to the twenty-eighth section, and receded from their amendment thereto, and passed the said bill.

I am also instructed to transmit to the Senate the following entitled bills, which they have passed, and respectfully ask the concurrence of the Senate therein :

“A bill to organize certain townships, and for other purposes,” and

“A bill to organize certain townships, and for other purposes.”

E. J. ROBERTS,

*Clerk House of Representatives.*

And the “bill to organize certain townships, and for other purposes,” and the “bill to organize and divide certain townships, and for other purposes,” (number fifty-two,) were severally read twice and referred to the committee of the whole.

The Senate then went into committee of the whole, Mr. Greenly in the chair, on said bills, and after a time the committee rose, and through their chairman reported said bills back to the Senate, with amendments, and they were laid on the table.

The “bill to abolish imprisonment for debt,” &c. being under consideration, the Senate insisted on their amendment thereto, as follows :

#### YEAS.

Mr. Curtis,  
 Mr. Gordon,  
 Mr. Greenly,  
 Mr. Harrington,

Mr. Kercheval,  
 Mr. Kingsley,  
 Mr. Summers,

Mr. Trowbridge,  
 Mr. Wing,  
 Mr. Woodbridge,

10

#### NAYS.

Mr. Bradford,

Mr. Cook,

Mr. Etheridge,

3

Whereupon, Mr. Summers moved that a committee of conference be appointed thereon, which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Harrington,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		8

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Hawkins,	
Mr. Cook,	Mr. Greenly,		5

And the President appointed as said committee, Messrs. Summers, Woodbridge and Harrington.

The President announced two messages from the Governor, by Mr. Porter, private secretary, one being on executive business, the other as follows :

EXECUTIVE DEPARTMENT, }  
*March 19, 1839.*

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

“ A joint resolution relative to a certain independent military corps.”

“ A joint resolution to ascertain the number of the militia.”

“ A joint resolution authorizing the Governor to fill vacancies in the militia.”

S. T. MASON.

On motion of Mr. Harrington, the Senate adjourned.

## THURSDAY, MARCH 21.

The Senate met, and was called to order by the President.

The roll being called, there were absent, Messrs. Bradford, Cook, Summers, Trowbridge and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Drake, Gidley and McCamly.

The President announced a message from the Governor, by Mr. Porter, his private secretary, as follows :

EXECUTIVE DEPARTMENT, }  
March 20, 1839.

*To the Senate :*

I have this day approved and filed in the office of the Secretary of state,

“An act to authorize the county of Lenawee to borrow a certain sum of money.”

S. T. MASON.

The two bills from the House of Representatives to organize and divide certain townships, and for other purposes, were taken up, and ordered to the third reading.

On motion of Mr. Kercheval, said bills were severally read the third time and passed.

The Senate then went into committee of the whole, Mr. Harrington in the chair, on the “bill to establish a state bank,” and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

On motion of Mr. Wing, the Senate adjourned to half past two o'clock, P. M.

#### AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met pursuant to adjournment, and went into committee of the whole, on the “bill to establish a state bank,” Mr. Harrington in the chair, and after a time the committee rose, and through their chairman reported the bill back, with amendments.

On motion of Mr. Kercheval, the bill with the report was laid on the table.

Mr. Harrington then moved that the Senate go into executive session, which was agreed to, by yeas and nays, as follows :

YEAS.

Mr. Bradford,  
Mr. Curtis,  
Mr. Etheridge,

Mr. Harrington,  
Mr. Hawkins,  
Mr. Kingsley,

Mr. Trowbridge,  
Mr. Wing,

## NAYS.

Mr. Gordon,  
Mr. Greenly,

Mr. Kercheval,

Mr. Summers,

4

When the doors were opened,

On motion of Mr. Kingsley, the Senate adjourned.

## FRIDAY, MARCH 22.

The Senate met, and was called to order by the President.

The roll being called, there were absent, Messrs. Gordon, Summers, Trowbridge, Wing and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook, Drake, Gidley and McCamly.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 21, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to return to the Senate the “bill to authorize the Auditor General to obtain money,” &c., which they have passed with amendments, to which they respectfully ask the concurrence of the Senate.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said bill was referred to the committee of the whole :

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of authorizing depositions to be taken out of the state to be used on trials before justices of the peace in this state.

Also, into the propriety of amending the law which requires a sheriff to postpone a sale for no more than seven days at a time.

And also, into the propriety of authorizing parties or their agents to serve subpœnas in chancery.

On motion of Mr. Woodbridge, the bills to legalize the proceedings of the townships of Metamora and Elba, and of the townships of Aleidon and Aurelius, were taken up, amended, and ordered to the third reading.

On motion of Mr. Kercheval, the bills were severally read the third time and passed.

Mr. Woodbridge, from the committee on state affairs, submitted a report on the prohibition of the sale and use of intoxicating drinks, which, on motion of Mr. Kingsley, was laid on the table, and one thousand copies ordered to be printed.

[See Senate Document No. 28.]

Mr. Trowbridge presented the petition of the president, directors, &c. of the Detroit and Pontiac turnpike company, for an appropriation of two thousand dollars, and a release from the provisions of their charter, which was referred to the select committee on said subject.

The Senate then took up the preamble and resolutions submitted by Mr. Etheridge, and laid on the table, relative to constructing a road from Cincinnati to the centre of the south line of Michigan, and the resolutions were adopted.

Mr. Summers moved to refer the preamble to the committee on internal improvement, on which motion, the Senate was equally divided, as follows.

#### YEAS.

Mr. Greenly,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Harrington,	Mr. Summers,	Mr. Woodbridge,	6

#### NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	6

Whereupon, the President gave his casting vote in the negative.

The preamble was then adopted, as follows :

#### YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,			7

#### NAYS.

Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Trowbridge,		5

Mr. Hawkins moved that the Senate go into committee of the whole, on the bill to authorize the Auditor General to obtain money, &c., which was agreed to, as follows :



## YEAS.

Mr. Gordon,	Mr. Kingsley,	Mr. Trowbridge,	7
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,			

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	6
Mr. Curtis,	Mr. Greenly,	Mr. Wing,	

Whereupon, the Senate went into committee of the whole on said bill, Mr. Curtis in the chair, and after a time the committee rose, and having through their chairman reported the bill back to the Senate, were discharged from further consideration thereof.

Mr. Greenly moved to lay the said bill on the table, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	6
Mr. Curtis,	Mr. Greenly,	Mr. Wing,	

## NAYS.

Mr. Gordon,	Mr. Kingsley,	Mr. Trowbridge,	7
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,			

Mr. Kercheval moved to lay the bill on the table, and that the amendment thereto by the House of Representatives be printed, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Wing,	8
Mr. Curtis,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Kercheval,		

## NAYS.

Mr. Gordon,	Mr. Kingsley,	Mr. Trowbridge,	5
Mr. Hawkins,	Mr. Summers,		

The Senate then took up the bill to establish a state bank.

The amendment to alter the name of the bank, by striking out "state," and inserting "commonwealth," was disagreed to, as follows :

## YEAS.

Mr. Gordon,	Mr. Harrington,	Mr. Hawkins,	3
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## NAYS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,
Mr. Etheridge,	Mr. Summers,	Mr. Woodbridge,
Mr. Greenly,		10

The amendment to strike out "gold and silver," in the first line of the third section, and substitute "specie," was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Kerchoval,	Mr. Trowbridge,
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,
Mr. Hawkins,		7

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Etheridge,	Mr. Harrington,	Mr. Wing,
		6

The amendment to the tenth section, to strike out the prohibition to circulate notes less than five dollars, was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge,
		9

## NAYS.

Mr. Bradford,	Mr. Kingsley,	Mr. Wing,
Mr. Etheridge,		4

The amendment in the eighth line of the seventeenth section, to strike out "postmasters excepted," was agreed to, as follows :

## YEAS.

Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,
Mr. Gordon,	Mr. Trowbridge,	Mr. Woodbridge,
Mr. Hawkins,		7

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Curtis,	Mr. Harrington,	5

The amendment in the fifteenth line of the forty-fifth section, was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	3
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The amendments to strike out section sixty-one and sixty-two, were agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Summers,		11

## NAYS.

Mr. Bradford,	Mr. Etheridge,	2
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The amendments by the committee of the whole, having been all acted on, and the bill as amended being before the Senate,

Mr. Trowbridge moved to strike out the fourteenth, fifteenth, and sixteenth lines, in section forty-five, which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,		8

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Etheridge,			4

Mr. Curtis moved to strike out in lines nine and ten, in section two, the words commencing with "and it shall not," &c. and ending with "any other purpose," and the same was agreed to.

Mr. Bradford moved to strike out in the third line of section ten, the word "one," in the bill as amended, and substitute "five," which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	2
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## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	
Mr. Harrington,			10

Mr. Harrington moved to amend line second of the first section, so as to read "with five branches," which was disagreed to, as follows :

## YEAS.

Mr. Etheridge,	Mr. Summers,	Mr. Woodbridge,	
Mr. Harrington,			4

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		8

Mr. Summers then moved to amend said line, so as to read "six branches," which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,	Mr. Summers,	Mr. Woodbridge,	6

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Kingsley,	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,			7

Mr. Summers then moved that it read "seven branches," which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Kingsley,	Mr. Wing,	
Mr. Harrington,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,			7

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Kercheval,	
Mr. Etheridge,	Mr. Greenly,	Mr. Trowbridge,	6

Mr. Kingsley moved to strike out of the eighty-second section all after the word "branches," in the second line, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Summers,		5

## NAYS.

Mr. Curtis,  
Mr. Gordon,  
Mr. Greenly,

Mr. Harrington,  
Mr. Hawkins,

Mr. Kercheval,  
Mr. Trowbridge, "

7

On motion of Mr. Curtis, the Senate reconsidered the vote by which the manuscript proviso to the forty-sixth section was agreed to, and the same was stricken out.

On motion of Mr. Hawkins, the bill was then laid on the table.

The president announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 22, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a joint resolution requesting the Executive to communicate with the secretary of war in relation to arms, &c., which they have passed, and respectfully ask the concurrence of the Senate therein.

I am also instructed to inform the Senate that the House concur with them in the appointment of a committee of conference on the bill to abolish imprisonment for debt and to punish fraudulent debtors, and that they have passed the following preamble and resolution in relation thereto :

E. J. ROBERTS,

*Clerk House of Representatives.*

"Whereas, the bill from the Senate entitled 'a bill to abolish imprisonment for debt and to punish fraudulent debtors,' having been sent to the House of Representatives for their concurrence therein, sundry amendments were made thereto by the House ; and whereas the Senate, on the bill being returned with said amendments, did concur in said several amendments made by the House of Representatives, except the amendment to the seventeenth section and the amendment to the twenty-eighth section, to each of which amendments of the House the Senate proposed amendments ; and whereas, upon the bill being again transmitted to the House of Representatives, with said amendments to the

amendments of the House, the House did concur in the amendment of the Senate to the amendment of the House to the seventeenth section, and having non-concurred in the amendment of the Senate to the amendment to the twenty-eighth section, did recede from their own proposed amendment to the twenty-eighth section; and whereas, there is consequently no existing difference between the two houses on said bill, the seventeenth section and twenty-eighth section, and all other sections of the bill, and consequently the entire bill, having passed both houses in the same form and words; therefore,

*Resolved*, That this House cannot agree to the appointment of a committee of conference on said bill, as in their opinion said bill has finally passed both houses, and is ready to be enrolled and presented to the Governor for his signature and approval."

Mr. Wing offered a resolution on the subject of the disagreement between the House of Representatives and the Senate, which was laid on the table; when,

On motion of Mr. Hawkins,

The Senate adjourned until half past two o'clock, P. M.

### AFTERNOON SESSION.

*Half past two o'clock.*

The Senate met pursuant to adjournment.

The joint preamble and resolution from the House of Representatives, requesting the Executive to communicate with the Secretary of War in relation to arms, &c., was read and concurred in.

The President announced a message from the Governor, by Mr. Porter, private secretary, as follows:

EXECUTIVE DEPARTMENT, }  
March 22, 1839. }

*To the Senate:*

I have this day approved and filed in the office of the Secretary of State,

An act to organize certain townships, and for other purposes.

An act to organize certain townships, and for other purposes.

An act to organize certain townships, and for other purposes.

S. T. MASON.

Mr. Woodbridge, from the committee on state affairs, reported "a bill for the further distribution of the revised code, and for other purposes," which was read twice, and ordered to the third reading.

Mr. Bradford submitted the following preamble and resolution:

Whereas, the bill "to abolish imprisonment for debt and to punish fraudulent debtors," passed the Senate on the twenty-seventh day of February, eighteen hundred and thirty-nine, and passed, with sundry amendments thereto, the House of Representatives, March fourteenth, eighteen hundred and thirty-nine. The Senate concurred in all of said amendments except a certain amendment to section seventeenth of said bill, and a certain amendment to section twenty-eighth of said bill, which two last amendments made by the House of Representatives, the Senate amended and returned the same to the House of Representatives.

Whereas, the House of Representatives, on the twentieth day of March, eighteen hundred and thirty-nine, adopted the amendment to the amendment of the seventeenth section, made by the Senate, and disagreed to the amendment made by the Senate to their amendment to the twenty-eighth section of the said bill, and receded from their said amendment, and declared the bill thereby passed; and,

Whereas, the said bill is now in possession of the Senate, and to refuse the regular enrolment of the same would jeopard a most important measure, greatly desired by the people of this state, viz: the abolition of imprisonment for debt; therefore,

*Resolved*, That the Senate do now order and direct the regular enrolment of the "bill to abolish imprisonment for debt and to punish fraudulent debtors," and the transmission of the same, when enrolled, to the Governor of the state for his signature, in order that the same may become a law.

Which, on motion of Mr. Hawkins, were laid on the table, as follows:

#### YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Harrington,	Mr. Summers,	

## NAYS.

Mr. Bradford,	Mr. Etheridge,	3
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The Senate then took up the bill for establishing a state bank ; whereupon,

Mr. Curtis moved to strike out all after the word "rendered," in section thirteen, line eleven, which was agreed to.

Also, in section twenty-two, line two, substitute "nine" for "seven," which was agreed to.

Mr. Bradford moved to strike out "or corporations," in second line of section eight, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Harrington,	
Mr. Etheridge,			4

## NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,	
Mr. Hawkins,	Mr. Summers.		8

Mr. Bradford moved to substitute "seven" instead of "six" in the first line of the thirteenth section, on which the Senate was equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Harrington,	Mr. Summers,	6

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	6

And the President decided in the affirmative.

Mr. Bradford moved to transpose the words "four" and "five," in the fortieth section, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Kingsley,		5

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,			7

Mr. Greenly moved to reconsider the vote on the proposition



of Mr. Bradford to substitute "seven" instead of "six," in the first line in the thirteenth section, which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		6

## NAYS.

Mr. Bradford,	Mr. Kingsley,	Mr. Summers,	
Mr. Harrington,			4

The amount was thereupon disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Kingsley,		5

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,			7

Mr. Harrington moved to lay the bill on the table, on which the Senate was equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Harrington,	Mr. Summers,	6

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Wing,	6

And the President decided in the negative.

Mr. Summers moved to substitute in section fifty-three, "thirty" for "twenty" per cent, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,			4

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,		5

Mr. Kingsley moved to amend the thirteenth section, which was agreed to.

Mr. Summers moved a proviso to the first section, as follows:

That all branches provided for by this act, shall be established and located by the legislature of the state; which was agreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Summers,	
Mr. Harrington,			7

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Wing,	
Mr. Gordon,	Mr. Trowbridge,		5

Mr. Bradford moved to strike out in the eighty-third section, after the word "repealed," in the first line, the words "by a vote of two-thirds of all the members elected to each house of the legislature, together with the approbation of the Governor," and insert the words "by the legislature;" which was disagreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Summers,	3
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## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,	
Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Wing,	9

Mr. Bradford moved to strike out in the thirteenth section, in the second line, after the word "legislature," the words "who shall respectively hold their offices one, two, and three years from and after the third Monday of January, 1839, two going out of office each year; and said directors shall at their first meeting after their election, determine by lot the periods they shall respectively hold their offices," and insert the word "annually;" which was disagreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Summers,	2
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## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,	
Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Wing,	9

On motion of Mr. Curtis, the bill was ordered to the third reading, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,	Mr. Kercheval,		8

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Kingsley,	3
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And the bill to establish a state bank was then passed, by yeas and nays, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,			10

## NAYS.

Mr. Etheridge,	Mr. Kingsley,	2
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The Senate then resumed the consideration of the preamble and resolution in relation to the committee of conference, &c., sent from the House of Representatives this morning.

Mr. Wing moved that the same be referred to the committee on state affairs, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Summers,	Mr. Wing,	
Mr. Kingsley,	Mr. Trowbridge,		5

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Hawkins,	
Mr. Etheridge,	Mr. Harrington,	Mr. Kercheval,	
Mr. Gordon,			7

On motion of Mr. Kercheval, the further consideration of the subject before the Senate was indefinitely postponed, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,		11

## NAYS.

Mr. Bradford,

1

On motion of Mr. Hawkins, the committee of the whole were discharged from the consideration of the bill "to repeal the acts appointing and defining the powers and duties of bank commissioners," and the same was laid on the table.

Mr. Bradford moved to reconsider the vote on appointing a committee of conference, and the motion was laid on the table.

The President announced a message from the Governor, by Mr. Porter, his private secretary, as follows :

EXECUTIVE DEPARTMENT, }  
March 21, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act to organize and divide certain townships, and for other purposes.

An act to amend title two of the third part of the revised statutes.

S. T. MASON.

Mr. Harrington moved that the Senate go into executive session, which was disagreed to, as follows :

## YEAS.

Mr. Curtis,

Mr. Greenly,

Mr. Wing,

Mr. Etheridge,

Mr. Harrington,

5

## NAYS.

Mr. Bradford,

Mr. Hawkins,

Mr. Summers,

Mr. Gordon,

Mr. Kingsley,

Mr. Trowbridge,

6

Mr. Curtis moved that when the Senate adjourn, it shall adjourn until Monday next, at nine A. M., which was agreed to, as follows :

## YEAS.

Mr. Bradford,

Mr. Harrington,

Mr. Summers,

Mr. Curtis,

Mr. Kercheval,

Mr. Trowbridge,

Mr. Gordon,

Mr. Kingsley,

Mr. Wing,

Mr. Greenly,

10

## NAYS.

Mr. Etheridge,

Mr. Hawkins,

2

Whereupon, on motion, the Senate adjourned.

## MONDAY, MARCH 25.

The Senate met, and was called to order by the President.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, Mr. McCamly was absent, but afterwards appeared and took his seat.

Absent on leave, Messrs. Cook, Curtis, Trowbridge and Wing.

Mr. Woodbridge, from the committee on state affairs, submitted a report on the memorial of Thomas Comfort and others, accompanied by a "bill to prohibit the running of cars or other vehicles on Sunday."

[See Senate Document No. 29.]

On motion of Mr. Bradford, five hundred copies of the report were ordered to be printed, and

The bill was referred to the committee of the whole and ordered to be printed.

The president announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 25, 1830. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate the following entitled bills, which they have passed, and respectfully ask the concurrence of the Senate therein :

"A bill to provide for the disposition of prisoners, apprehended in the county of Shiawassee."

"A bill relative to furnishing certain copies of the Journal of Education, and for other purposes."

"A bill to provide for the collection of certain unpaid taxes, in the township of Monguagon, in Wayne county."

"A bill to abolish imprisonment for debt and to punish fraudulent debtors."

"A bill to organize the township of Columbia in the county of Jackson."

I am also instructed to return to the Senate, the "bill authorizing Giles B. Kellogg to make partition and sale of certain lands," and respectfully inform you that the same has been concurred in by the House.

Also, to return the "bill concerning the apportionment of the common school and library funds, and for other purposes," which they have passed with amendments.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the "bill to authorize Giles B. Kellogg," &c., was ordered to be enrolled.

The "bill concerning the apportionment of the common school and library funds," &c., was, with the amendments, laid on the table.

The "bill to provide for the disposition of prisoners," &c., was read twice and referred to the committee on the judiciary.

The "bill relative to furnishing certain copies of the Journal of Education," &c., was read twice and referred to the committee on literature.

The "bill to provide for the collection of certain unpaid taxes," &c., was read twice and referred to the committee on state affairs.

The "bill to organize the township of Columbia," was read twice and ordered to the third reading.

On motion of Mr. Gidley, the rules being suspended, said bill was read a third time and passed.

The "bill to abolish imprisonment for debt," was read the first time, when

Mr. Summers moved that the consideration of the same be indefinitely postponed, which was not agreed to, as follows :

YEAS.

Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Harrington,	Mr. Summers,	5

NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Etheridge,	Mr. Hawkins,	Mr. McCamly,
		6

On motion of Mr. Kingsley the bill was then laid on the table, as follows :

YEAS.

Mr. Gordon,	Mr. Kercheval,	Mr. Summers,
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,
		6

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Etheridge,	Mr. Hawkins,		5

On motion of Mr. Kercheval, the Senate took up the "bill to authorize the Auditor General to obtain money," &c., and the amendments by the House thereto were concurred in, except the amendment to section four, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Etheridge,	Mr. Harrington,		5

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		8

The following amendment to the amendment made by the House, in first section, was submitted by Mr. Bradford :

"Amend the amendment of the House of Representatives, inserted at the close of the first section, by providing that the Auditor General shall not be authorized to pledge or transfer more than one quarterly instalment, instead of three quarterly instalments, as mentioned in said amendment."

Which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Etheridge,			4

## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Kingsley,		8

Mr. Kercheval presented the petition of John R. Williams and forty-five others, praying the Legislature to pass a joint resolution relative to the termination of the central rail road, in the city of Detroit ; which was referred to the committee on internal improvement.

Mr. Gidley presented the following petitions :

Petition of John N. Dwight and others, relative to the contractors on public works ; which was referred to the committee on internal improvement.

Petition of James D. Cowden and others, of the county of Eaton, for the appointment of commissioners to lay out a state road ; which was referred to the committee on roads and bridges.

The petition of Walter Buddington and others, for laying out a state road ; which was referred to the committee on roads and bridges.

The petition of Patrick Hubbard and others, for a state road ; which was referred to the committee on roads and bridges.

Mr. Hawkins submitted an affidavit of C. A. Emerson, relative to the bank of Macomb county, which was referred to the committee of the whole.

Mr. Hawkins, from the committee on incorporations, reported a "bill to repeal an act to incorporate the village of Ypsilanti," &c. which, with documents, was referred to the committee of the whole.

The "bill for the further distribution of the revised code," &c., was read a third time, and was,

On motion of Mr. Drake, recommitted to the committee on state affairs.

The Senate then went into committee of the whole, Mr. Greenly in the chair, on the "act relative to levying executions on real estate and setting off the same at an appraised value," and after a time, the committee rose, and having through their chairman reported progress, obtained leave to sit again, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Kingsley,	
Mr. Drake,	Mr. Gordon,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Summers,	9

## NAYS.

Mr. Greenly,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Harrington,			4

Mr. Harrington, from the standing committee, reported certain bills, &c., as correctly enrolled.

The "bill making special appropriations," &c., was taken up, and read a third time, when,

On motion of Mr. Drake, the blank in the first section thereof was filled by "a sum not exceeding thirty-five thousand dollars," and the words "and officers" were also inserted after the word



"members" in the fourth line, in same section, and the bill was then passed.

Mr. Gordon, from the committee on the judiciary, reported back, without amendment, the "bill to provide for the disposition of prisoners," &c., and the same was ordered to the third reading.

On motion of Mr. Harrington, the rules were suspended, the bill read the third time, and the question being on its passage,

Mr. Gordon moved to refer the same to the committee on finance, which was agreed to.

The Senate then went into committee of the whole, Mr. Gidley in the chair, on the bill providing for the voluntary dissolution of corporations, &c., and after a time, the committee rose, and reported that there was not a quorum in the Senate: whereupon,

Mr. Kercheval moved a call of the Senate, which was ordered and there were present Messrs. Etheridge, Gidley, Gordon, Greenly, Harrington, Kercheval, McCannly and Woodbridge.

Mr. Kercheval moved that the sergeant-at-arms be directed to procure the attendance of the absentees:

Pending which motion,

On motion of Mr. Harrington, the Senate adjourned until half past two o'clock, P. M.

#### AFTERNOON SESSION.

*Half past two o'clock P. M.*

The Senate met, pursuant to adjournment, and was called to order by the President.

No quorum being present,

Mr. Kingsley moved to adjourn, which was disagreed to:

Mr. Kercheval moved a call of the Senate, which was not sustained.

Mr. Kercheval moved a recess of fifteen minutes, which was negatived.

The President called Mr. Kingsley to the chair.

A quorum having been obtained,

On motion of Mr. Kercheval,

*Resolved*, That the committee on the judiciary be instructed to bring in a bill to amend an act entitled "an act to amend part

third, title first, chapter third of the revised statutes, and for other purposes," approved February 8, 1838, so as to abolish the April term of the circuit court in the county of Wayne, instead of the August term, as provided by said act.

The President resumed his seat.

On motion of Mr. Drake, the committee of the whole were discharged from the bill "establishing the counties of Kishcaugo and Mohegan," &c., and the same being under consideration, the amendments made thereto by the committee were agreed to.

On motion of Mr. Drake, the bill was further amended by substituting the word "Okemos" for "Kishcaugo," and the bill as amended was then ordered to a third reading.

On motion of Mr. Gidley, the bill was read the third time and passed, the title being amended by substituting therein "Okemos" for "Kishcaugo."

On motion of Mr. Harrington, the Senate took up the bill "to provide for the collection of demands against boats and vessels."

And the said bill being under consideration, was ordered to the third reading.

On motion of Mr. Harrington, said bill was read a third time and passed.

On motion of Mr. Bradford, the Senate took up the bill to incorporate the Berrien county mutual insurance company.

And the said bill being under consideration, was ordered to the third reading.

On motion of Mr. Bradford, said bill was read the third time and duly passed by a vote of two-thirds.

Mr. McCamly presented the petition from citizens of Calhoun county, in favor of a charter for the Michigan college, which was referred to the committee on literature.

The Senate went into committee of the whole, Mr. Hawkins in the chair, on the bill to incorporate the Marshall female seminary, and after a time the committee rose, and having through their chairman reported the same back without amendment, the bill was ordered to the third reading.

On motion of Mr. Gordon, the bill was read the third time and duly passed by a vote of two-thirds.

The Senate then went into committee of the whole, Mr. Drake

in the chair, on the bill to amend chapter one, title ten, part one, revised statutes, entitled "of religious societies;" and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The Senate then went into committee of the whole, Mr. McCamly in the chair, on the bill for ascertaining and settling damages for flowing lands by the erection of mill dams, and after a time the committee rose, and through their chairman reported the bill back with amendments.

Pending discussion thereon, on motion of Mr. Drake, the bill was laid on the table.

On motion of Mr. Drake,

*Resolved*, That the committee on state affairs be instructed to inquire into the expediency of so amending the laws in relation to township meetings as to authorize the same to be held in November instead of April.

On motion of Mr. Harrington, the Senate went into executive session.

When the doors were opened,

The President announced a message from the Governor, by Mr. Porter, private secretary, as follows:

EXECUTIVE DEPARTMENT, }  
March 25, 1889. }

*To the Senate:*

I have this day approved and filed in the office of the Secretary of State,

A joint resolution requesting the Executive to communicate with the Secretary of War in relation to arms, &c.

An act authorizing Giles B. Kellogg to make partition and sales of certain lands.

S. T. MASON.

The Senate adjourned.

## TUESDAY, MARCH 26.

The Senate met, and was called to order by the President.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, Messrs. Gidley, McCamly and Woodbridge were absent, but afterwards appeared and took their seats.

Absent on leave, Messrs. Cook, Curtis, Woodbridge and Wing.

On motion of Mr. Greenly, the Senate took up the bill, (House of Representatives,) to "provide for the renewal of sheriffs' and treasurers' bonds," and the same was read the third time and passed, with amendments.

The Senate went into committee of the whole, Mr. Bradford in the chair, on the bill for the relief of Martin Kundig, and after a time the committee rose, and having through their chairman reported the same back, said bill was ordered to a third reading.

And on motion, the same was read a third time and passed.

The Senate went into committee of the whole, Mr. Gidley in the chair, on the "bill to provide for the voluntary dissolution of corporations," &c. and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

On motion of Mr. Hawkins, the Senate took up the "bill to repeal the acts appointing and defining the powers and duties of bank commissioners."

Mr. Greenly moved to recommit the same to the committee on incorporations, with instructions so to amend the bill as to provide for the appointment of but one bank commissioner.

Mr. Harrington, moved to lay the bill on the table, which was not agreed to, as follows :

## YEAS.

Mr. Bradford,  
Mr. Greenly,

Mr. Harrington,  
Mr. Kercheval,

Mr. Kingsley,  
Mr. McCamly,

6

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	7
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,			

The question being on Mr. Greenly's motion,

Mr. Bradford moved to amend the same by substituting "two bank commissioners," for "one bank commissioner," which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	3
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## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	10
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			

The question being on Mr. Greenly's motion, the same was negatived, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	6
Mr. Greenly,	Mr. Kercheval,	Mr. McCamly,	

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	8
Mr. Etheridge,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		

The bill having been read the third time, and the question being on the passage of the bill, the vote stood as follows :

## YEAS.

Mr. Drake,	Mr. Gordon,	Mr. Summers,	9
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	5
Mr. Greenly,	Mr. Kingsley,		

Mr. Bradford objected that it was a two-third bill, and made a question of order, which was laid on the table for further consideration,

The President announced a message from the Governor, by Mr. Porter, his private secretary, as follows :

EXECUTIVE DEPARTMENT, }  
March 26, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

“An act to organize the township of Columbia, in the county of Jackson.”

“An act to amend an act entitled ‘an act to incorporate the village of Niles,’ and the acts amendatory thereto.”

“An act to legalize the township elections of the townships of Aleidon and Aurelius.”

“An act to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of La-peer.”

S. T. MASON.

The President announced a message from the House of Representatives, by their clerk, Mr. Roterts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 26, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the bill establishing the counties of Kishcaugo and Mohegan, and defining the boundaries of the county of Sanilac, and respectfully inform them that they have concurred in the amendment of the Senate to the title of said bill, and to the first section, and non-concurred in the other amendments, and appointed Messrs. McKee, Howland and Little, a committee of conference thereon.

I am also instructed to transmit to the Senate “an act relative to ward elections in the city of Detroit, and for other purposes.”

“A bill to incorporate the Grass lake academy and teachers’ seminary.”

“A bill relative to township assessments and returns thereof,” and,

“A bill to provide for the removal of the seat of justice of the county of Hillsdale, from the village of Jonesville to the village

of Hillsdale," which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The "bill to incorporate the Grass lake academy and teachers' seminary," was read twice and referred to the committee on literature.

The "bill relative to township assessments and returns thereof," was read twice and referred to the committee on state affairs.

The "bill to provide for the removal of the seat of justice of the county of Hillsdale," &c. was read twice and referred to the committee on towns and counties.

Messrs. Summers, Drake and Harrington were appointed by the President a committee of conference on the "bill defining the boundaries of Sanilac."

The "act relative to ward elections in the city of Detroit, and for other purposes," was read twice and referred to the committee of the whole.

The Senate went into committee of the whole, Mr. McCamly in the chair, on said bill, and after a time the committee rose, and through their chairman reported the bill back with amendments, which being concurred in, the bill was, on motion of Mr. Woodbridge, ordered to a third reading.

On motion of Mr. Kercheval, the rules being suspended, said bill was read a third time and duly passed by a two-thirds vote.

Mr. Gordon, from the committee on the judiciary, reported a "bill to amend part third, title one, chapter third, revised statutes, and for other purposes, approved February eight, one thousand eight hundred and thirty-nine," which was read twice and referred to a select committee, consisting of Messrs. Drake, Woodbridge and Hawkins.

Mr. Greenly, from the committee on state affairs, reported back the "bill providing for the further distribution of the revised code,"

Which was laid on the table.

On motion of Mr. Hawkins, the Senate adjourned.

## WEDNESDAY, MARCH 27.

The Senate met, and was called to order by the President.

Prayer by Rt. Rev. Bishop McCoskry.

The roll being called, Messrs. Gordon, McCamly, Summers and Woodbridge were absent, but afterwards appeared and took their seats.

Absent on leave, Messrs. Cook and Curtis.

Mr. Etheridge presented two petitions from residents of Branch county, relative to the location of the county seat ; which were referred to the committee on towns and counties.

Mr. Greenly, from the committee on literature, reported back the House bill relative to furnishing certain copies of the Journal of Education, and for other purposes, which was ordered to the third reading.

On motion of Mr. Harrington,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for proceedings as for contempts to enforce civil remedies, and to protect the rights of parties in civil actions, and that they have leave to report by bill or otherwise.

The bill relative to furnishing certain copies of the Journal of Education, &c., coming up for the third reading.

Mr. Drake moved to recommit the bill to the committee on state affairs, which was disagreed to.

On motion of Mr. Drake, said bill was then laid on the table, and ordered to be printed.

The bill relative to bank commissioners, with the question of order thereon, was then taken up, and on motion, the same was laid on the table.

The Senate went into committee of the whole, Mr. Drake in the chair, on the bill to amend the act entitled " of religious societies," and after a time the committee rose, and through their chairman reported progress, and obtained leave to sit again.

The Senate then went into committee of the whole, Mr. Etheridge in the chair, on the bill to amend an act entitled "an act to incorporate the Port Sheldon and Grand Rapids railroad company," and after a time the committee rose, and through their



chairman reported the bill back, with amendments, which were agreed to.

Mr. Summers moved further to amend, by striking out the first section of said bill, which was disagreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Summers,	Mr. Woodbridge,
Mr. Etheridge,		

4

## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,
Mr. Harrington,		

10

The bill was thereupon ordered to the third reading ; and,  
On motion of Mr. Kercheval, the bill was laid on the table.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, {  
March 27, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to transmit to the Senate “a bill to alter the name of the township of Durham, and to legalize certain acts therein,” which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said bill was read twice and referred to the committee on towns and counties.

The bill providing for further distribution of the “revised code,” yesterday reported back with amendments by the committee on state affairs, was taken up, and the amendments by the committee were concurred in, and the bill was ordered to be engrossed for the third reading.

The Senate went into committee of the whole, Mr. Woodbridge in the chair, on the “bill to repeal an act to incorporate the village of Ypsilanti,” &c., and after a time the committee rose, and through their chairman reported the same back without amendment.

Mr. Kingsley moved that the bill be amended by providing that said act shall take effect from and after the tenth day of January, eighteen hundred and forty, which was agreed to, as follows :

## YEAS.

Mr. Etheridge,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Hawkins,			10

## NAYS.

Mr. Harrington,	Mr. Summers,	2
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The bill as amended was then ordered to the third reading.

On motion, the bill was read the third time and passed, by the following vote :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. McCamly,	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,	9

## NAYS.

Mr. Etheridge,	Mr. Harrington,	Mr. Summers,	3
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Mr. Summers moved that the Senate go into committee of the whole, on the bill to repeal the charter of the bank of Macomb county, which was not agreed to.

Mr. Kercheval presented the account of John Gibson, for services as crier to, and fuel and lights furnished the supreme court and chancery court, which was referred to the committee on claims.

On motion of Mr. Kercheval, the "bill for the relief of Calvin C. Parks and others," was taken up.

Pending discussion,

On motion of Mr. Gordon, the bill was laid on the table.

Mr. Wing presented the petition of two hundred and forty ladies, of Monroe, relative to the abolition of slavery, and praying the reference of said petition to a select committee, with leave to be heard.

Mr. Greenly moved that a select committee be appointed in pursuance of the prayer of the petitioners, which having been agreed to,

The President appointed Messrs. Greenly, Wing and Summers said select committee.

On motion of Mr. Drake, the Senate adjourned. .

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#### THURSDAY, MARCH 28.

The Senate met, and was called to order by the President.

Prayer by the Rt. Rev. Bishop McCoskry.

The roll being called, Messrs. Bradford, Drake, Etheridge, Greenly, McCamly, Wing and Woodbridge, were absent, but afterwards appeared and took their seats.

Mr. Kingsley, from the committee on internal improvement, to whom a certain resolution was referred, reported that it was inexpedient to make any law requiring all chartered companies to file in the office of the Secretary of State copies of all topographical surveys made by them; which report was accepted and the committee discharged.

Mr. Cook presented a petition from inhabitants in Clinton and Eaton counties, for alteration in the county line, which was referred to the committee on towns and counties.

Also, a petition from "inhabitants of the county of Wayne, to authorize Joseph Wilson to construct a race track on his premises in Springwells," which was referred to the committee on agriculture.

Mr. Kingsley, from the committee on internal improvement, reported against "the propriety of directing the commissioners of internal improvement to expend a portion of the appropriations, &c. on the western ends of such roads respectively."

On motion of Mr. Bradford, said report was recommitted to the committee on internal improvement.

Mr. Kingsley, from the same committee, also reported against the expediency of providing for the improvement of Flint river, &c. which report was adopted and the committee discharged.

On motion of Mr. Kingsley, the vote taken yesterday on the passage of the bill to repeal the act incorporating the village of Ypsilanti was reconsidered, and the question being on the passage thereof, on motion of Mr. Hawkins, the bill was laid on the table.

Mr. Cook, from the committee on towns and counties, reported a bill relative to the county seat of Branch county, which was read twice, when Mr. Summers moved to postpone indefinitely the further consideration thereof, on which the Senate was equally divided, as follows :

## YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Hawkins,	
Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	6

Whereupon, the chair decided in the negative.

Mr. Bradford then moved to refer the bill to the committee of the whole, which was agreed to as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		11

## NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,		5

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 26, 1839. }

*To the President of the Senate :*

Sir: I am instructed by the House of Representatives to return to the Senate the "bill to authorize the Auditor General to obtain money," &c. and respectfully inform you that the House have receded from their amendment to the fourth section thereof.

Also, to inform the Senate that the House have concurred in the amendment to the joint resolution for the appointment of a joint committee to report rules for the government of joint conventions, passed the same, and appointed Messrs. Goodwin, Adam and Bacon the committee on the part of the House.

E. J. ROBERTS,

*Clerk House of Representatives.*

The "bill to authorize the Auditor General," &c. was ordered to be enrolled.

The President appointed Messrs. Harrington, Kercheval and Gordon a committee of conference relative to joint rules.

On motion of Mr. Gordon, the Senate went into committee of the whole, Mr. Harrington in the chair, on the bill entitled "of religious societies," and after a time the committee rose and reported the bill back with amendments, which having been concurred in, said bill was ordered to the third reading.

On motion of Mr. Gidley, the same was read the third time and passed.

The engrossed "bill to provide for the further distribution of the revised code," &c. was read the third time and passed.

Mr. McCamly, from the select committee to investigate the affairs of the state prison at Jackson, submitted a report, which was laid on the table and ordered to be printed.

[See Senate Document No. 30.]

The president announced two messages from the Governor, by Mr. Porter, his private secretary, one on executive business, and the other as follows :

EXECUTIVE DEPARTMENT, }  
March 27, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

"An act relative to ward elections in the city of Detroit, and for other purposes."

S. T. MASON.

The Senate went into committee of the whole, Mr. Gidley in the chair, on the "bill to repeal an act to incorporate the Maccomb and Saginaw railroad company," &c. and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again by the following vote :

YEAS.

Mr. Curtis,

Mr. Kercheval,

Mr. Wing,

Mr. Gidley,

Mr. Kingsley,

Mr. Woodbridge,

Mr. Gordon,

## NAYS.

Mr. Greenly,	Mr. M'Camly,	Mr. Trowbridge,	
Mr. Harrington,	Mr. Summers,		5

On motion of Mr. Harrington, the Senate took up the "bill to establish certain township lines in the county of St. Clair," &c. together with the amendments thereto submitted by Mr. Woodbridge.

And the question being on concurring therewith, it was decided in the negative, as follows :

## YEAS.

Mr. Etheridge,	Mr. Trowbridge,	Mr. Woodbridge,	3
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## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,	Mr. McCamly,		8

The bill was then ordered to the third reading.

Mr. Woodbridge moved to lay it on the table, which was lost.

The question then recurring on the third reading, the vote stood as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	
Mr. Greenly,	Mr. Kingsley,	Mr. Summers,	6

## NAYS.

Mr. Trowbridge,	Mr. Woodbridge,		2
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There being no quorum, the vote was, on motion of Mr. Summers, again taken, and resulted as follows :

## YEAS.

Mr. Cook.	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Etheridge,	Mr. McCamly,		8

## NAYS.

Mr. Kercheval,	Mr. Trowbridge,	Mr. Woodbridge,	3
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And the bill was thereupon read the third time.

The question being on the passage thereof, Mr. Woodbridge called for the reading of the petitions and remonstrances relative thereto.

The bill then passed by the following vote :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Etheridge,	Mr. McCamly,	Mr. Wing,
Mr. Greenly,		

7

## NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Woodbridge,
Mr. Gidley,	Mr. Kercheval,	

5

The president announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 28, 1839. }

*To the President of the Senate :*

Sir—I am instructed to return to the Senate the “bill to establish the counties of Kishcaugo and Mohegan,” &c. and inform them that they have concurred in the report of the committee of conference, with the exception of the amendment made by the Senate to the third section relative to the northerly line of Lapeer and St. Clair, which was non-concurred in, and a new committee of conference appointed, consisting of Messrs. Adam, Goodwin and Acker.

I am also instructed to inform the Senate that the House have concurred in the amendments to the “bill to establish a state bank,” and passed the same.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill to establish the counties of Kishcaugo and Mohegan, was, on motion of Mr. Summers, laid on the table.

On motion of Mr. Kercheval, the Senate took up the bill for the relief of Calvin C. Parks and others.

On motion of Mr. Kercheval, said bill was amended by striking out all that part thereof relating to Stephen R. Wood, which was agreed to, and the bill ordered to be engrossed for the third reading.

The Senate went into committee of the whole, Mr. Wing in the chair, on the “bill to amend the revised statutes,” &c. and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

On motion of Mr. Kingsley, the Senate adjourned.

## FRIDAY, MARCH 29.

The Senate met, and was called to order by the President.

The roll being called, there were absent, Messrs. Bradford, Cook, Drake, Etheridge, Gidley, Harrington, Hawkins, and Wing, who, Messrs. Bradford, Cook, Drake and Hawkins excepted, afterwards appeared and took their seats.

The Senate granted the following Senators leave of absence :

Mr. Bradford for one day.

Mr. Cook for eight days.

Mr. Drake for eight days.

Mr. Hawkins until Saturday.

Mr. Kingsley, from the committee on internal improvements, reported adverse to the resolution " authorizing the Governor to appoint some person to purchase certain land on the northern railroad route, for a situation for a depot ;" which report was adopted, and the committee were discharged from the further consideration thereof.

Mr. Greenly, from the committee on literature, reported back, without amendment, the bill to incorporate the Grass Lake academy and teachers' seminary ; which was referred to committee of the whole.

On motion of Mr. Summers, the committee of the whole were discharged from the bill relative to the county seat of Branch county, and the same was referred to the committee on state affairs.

On motion of Mr. Etheridge, two members were ordered to be added to the committee on towns and counties, and in pursuance thereof the President appointed Messrs. Summers and Curtis.

On motion of Mr. Gordon, a member was ordered to be added to the committee on claims.

Whereupon, the President appointed Mr. Kercheval.

Mr. Harrington, from the committee on the judiciary, reported " a bill to prescribe the powers and duties of justices of the peace in civil proceedings ;" which was read twice, and referred to the committee of the whole, and ordered to be printed.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :



HOUSE OF REPRESENTATIVES, }  
March 28, 1839.

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to transmit to the Senate “a bill making special appropriations, and for other purposes,” and inform them that they have passed the same with amendments, striking out from section two, line five, “countersigned by the Auditor General of this state,” and all after the word “required,” in the ninth line, and all of section three.

Also, to transmit to the Senate “an act regulating sales at auction, and for other purposes,” which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The “bill making special appropriations,” with amendments, was, on motion of Mr. Woodbridge, referred to the committee on finance.

The “act regulating sales at auction, and for other purposes,” was read twice, and referred to the committee of the whole.

The engrossed bill for the relief of Calvin C. Parks and others, was read the third time and passed.

The Senate went into committee of the whole, Mr. Kingley in the chair, on the “act regulating sales at auction;” and after a time the committee rose, and having through their chairman reported the same back, the bill was referred to the committee on finance.

The Senate went into committee of the whole, Mr. Trowbridge in the chair, on the “bill to incorporate the Grass Lake academy,” &c., and after a time the committee rose, and having through their chairman reported the bill back, the same was laid on the table.

The Senate went into committee of the whole, Mr. Gidley in the chair, on the bill to repeal “an act to incorporate the Macomb and Saginaw railroad company.” &c., and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The Senate went into committee of the whole, Mr. Gidley in

the chair, on the bill to provide for the voluntary dissolution of corporations," &c., and after a time the committee rose, and having through their chairman reported the bill back, with amendments, the committee were discharged, and the bill with amendments, was, on motion of Mr. Wing, laid on the table.

The President announced a message from the Governor, by Mr. Porter, his private secretary, as follows :

EXECUTIVE DEPARTMENT, }  
March 29, 1839.

*To the Senate :*

I have this day approved and filed in the office of the Secretary of state,

" An act to authorize the Auditor General to obtain money on the credit of certain instalments of the five million loan."

S. T. MASON.

Mr. Greenly gave notice, that he should ask leave to bring in a bill at some future day, to adjourn the April term of the Lenawee circuit court until the second Tuesday of June next.

The Senate went into committee of the whole, Mr. Curtis in the chair, on the " bill to amend the revised laws in relation to taverns and other licensed houses ;" and after a time, the committee rose, and having through their chairman reported the same back with amendments, which having been concurred in, the bill, as amended, was ordered to the third reading.

On motion of Mr. Trowbridge, the bill was read the third time and passed.

On motion of Mr. Harrington, the title was amended by substituting in the title, " statutes," for " law," and the title as amended, was then agreed to.

Mr. Wing moved to take up the bill from the House of Representatives to abolish imprisonment for debt, which was agreed to.

On motion of Mr. Summers, the consideration of said bill was indefinitely postponed, by the following vote :

#### YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Etheridge,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,
Mr. Gordon,	Mr. M'Camly,	Mr. Woodbridge, 12

## NAYS.

Mr. Greenly,

1

Mr. Curtis, from the committee on finance, reported back the bill as amended by the House of Representatives, "making special appropriations," &c., and recommended the concurrence of the Senate in said amendments.

The committee were discharged and the Senate refused to concur in the amendments made by the House.

Mr. Bradford appeared and took his seat.

Mr. Bradford moved to reconsider the vote on indefinitely postponing the bill to abolish imprisonment for debt, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,

Mr. Greenly,

2

## NAYS.

Mr. Curtis,

Mr. Kercheval,

Mr. Trowbridge,

Mr. Etheridge,

Mr. Kingsley,

Mr. Wing,

Mr. Gidley,

Mr. M'Camly,

Mr. Woodbridge,

Mr. Gordon,

Mr. Summers,

11

On motion of Mr. Curtis, the Senate went into executive session.

When the doors were opened,

On motion of Mr. Kingsley, the Senate adjourned.

## SATURDAY, MARCH 30.

The Senate met, and was called to order by the President.

The roll being called, Messrs. Gidley, Gordon, Harrington M'Camly and Woodbridge were absent, but afterwards appeared and took their seats.

Absent on leave, Messrs. Cook, Drake and Hawkins.

Mr. Kingsley, from the committee on internal improvement, reported adverse to the petition of the River Raisin and Lake Erie railroad company, for relief and a sale of their road to the state ; which report, on motion of Mr. Wing, was laid on the table.

Mr. Trowbridge, from the committee on agriculture, reported adverse to the petition of certain citizens of Wayne county, to

authorize the establishment of a race track in Springwells; which report, on motion of Mr. Kercheval, was laid on the table, and ordered to be printed.

[*See Senate Document No. 31.*]

Mr. Etheridge, from the committee on towns and counties, reported back the "bill to alter the name of the township of Dunham, and to legalize certain acts therein," which was ordered to the third reading.

Also, the "bill to provide for the removal of the seat of justice of Hillsdale county, from the village of Jonesville to the village of Hillsdale," which was, on motion of Mr. Woodbridge, laid on the table.

Same committee also reported adverse to the petition from inhabitants of Clinton and Eaton counties, for an alteration in the county line between said counties.

Also, adverse to the petition of sundry persons, for setting off and annexing a portion of the county of Oakland to the county of Livingston, which reports were, on motion of Mr. Summers, severally recommitted.

Mr. Gordon, from the committee on claims, reported "a bill to provide for the payment of certain claims therein mentioned," which was read twice, referred to the committee of the whole, and ordered to be printed.

Also, the same committee reported adverse to the petition of R. P. Eldridge, for relief for defending criminals, which was, on motion of Mr. Harrington, laid on the table.

Also, adverse to the petition of David Brown and Samuel Clark, relative to bounty on wolves, which, on motion of Mr. Summers, was laid on the table.

Mr. Curtis, from the committee on finance, reported back the "bill to provide for the disposition of prisoners apprehended in the county of Shiawassee," which was ordered to the third reading.

Mr. Trowbridge, from the select committee, reported "an act to purchase the Detroit and Pontiac turnpike road," which was read twice, referred to the committee of the whole, and ordered to be printed.

Mr. Woodbridge, from the committee on state affairs, reported back the "bill to provide for the collection of certain unpaid taxes

in the township of Monguagon, in Wayne county," with amendments, which being concurred in, the bill as amended was ordered to the third reading.

On motion of Mr. Summers,

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the report of the bank commissioner, on the Macomb county bank, and all papers, statements and affidavits accompanying said report or in any way relating to the said bank, be referred to the Attorney General, with instructions to examine the same, and if, upon his examination, he is of the opinion there has been any violation of the charter, to institute such legal proceedings against said bank as the laws of the state and the public interest may require.

The bill relative to the township of Monguagon, was read the third time and passed.

The bill relative to the township of Dunham, was read the third time and passed.

The bill relative to prisoners apprehended in Shiawassee, was read the third time, and, on motion of Mr. Summers, was laid on the table, as follows :

#### YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Wing,	
Mr. Gordon,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Kercheval,			7

#### NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,		5

Mr. Greenly moved to take up the bill providing for the removal of Hillsdale county seat, on which the yeas and nays were as follows :

#### YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,			7

#### NAYS.

Mr. Bradford,	Mr. Gordon.	Mr. Trowbridge,	
Mr. Gidley,			4

Whereupon the said bill was taken up and passed.

Mr. Gidley moved to reconsider the vote on its passage, which was not agreed to.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
March 29, 1890. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to transmit to the Senate a joint resolution relative to the transfer of a certain account on the survey of the southern railroad, which has passed the House, and respectfully to ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said joint resolution was referred to the committee on the judiciary.

Mr. Summers offered the following resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the chairman of the select committee appointed to investigate the acts of the commissioners on the penitentiary be and he is hereby authorized to proceed to Jacksonburgh and audit and settle the accounts of the commissioners with the state, and to report his doings to the Governor and Auditor General, as soon after the close of the session as practicable.*

Which was read twice and referred to the committee on state affairs.

On motion of Mr. Gidley, the Senate took up the bill to incorporate the Grass Lake academy, &c., and the same was referred to the committee of the whole :

And the Senate thereupon went into committee of the whole on said bill, Mr. McCamly in the chair, and after a time the committee rose, and through their chairman reported back the same, with amendments, which being concurred in, said bill as amended was ordered to the third reading.

And on motion of Mr. Gidley, said bill was then read the third time and duly passed, by a majority of two-thirds.

On motion of Mr. Gordon, the Senate took up the bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, &c., and the same, on motion of Mr. Woodbridge, was referred to the committee on the judiciary.

On motion of Mr. Bradford, the Senate took up the bill to repeal the acts appointing and defining the powers and duties of bank commissioners, together with the question of order thereon; and,

On motion of Mr. Summers, said bill was recommitted to the committee on the judiciary.

On motion of Mr. Wing, the Senate took up the resolution offered by Mr. Gidley, and laid on the table on the ninth instant, relative to the adjournment of the legislature on the first day of April.

On motion of Mr. Bradford, the word "first," was stricken out and the word "fifteenth," inserted.

The Senate adjourned.

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### MONDAY, APRIL 1.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Gordon and Harrington, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook, Drake and Kingsley.

Mr. Hawkins presented several affidavits relative to the Macomb county bank, which were referred to the committee of the whole.

Mr. Gidley presented a petition from the acting commissioner on the state prison, which was referred to the committee on the state prison.

Mr. Summers offered the following resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan, That George R. Griswold and Elijah J. Roberts be, and they are hereby appointed printers to the state, in the place of John S. Bagg.*

Mr. Kercheval moved that the same be referred to the com-

mittee on finance, on which the Senate was equally divided, as follows :

## YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,			7

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. M'Camly,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,			7

And the President decided in the negative.

Mr. Harrington moved to refer the resolution to the committee on state affairs, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,		5

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,

On motion of Mr. Hawkins, the resolution was then referred to the committee of the whole.

Mr. Gordon gave notice that he should at some future day ask leave to bring in a bill to remove the seat of government of this state from the city of Detroit, and to provide for its location at some other place until the year one thousand eight hundred and forty-seven.

On motion of Mr. Gidley, two members were ordered to be added to the standing committee on the penitentiary, and the president thereupon appointed Messrs. McCamly and Drake.

On motion of Mr. Hawkins, the Senate went into committee of the whole, Mr. Greenly in the chair, on the "bill relative to levying executions on real estate, and setting off the same at an appraised value," and after a time the committee rose, and having through their chairman reported the bill back, were discharged from further consideration of the subject.

Mr. Hawkins moved to strike out all after the enacting clause, which was agreed to, as follows :



## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,	Mr. Kercheval,		8

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Etheridge,			4

Mr. Bradford offered a substitute to said bill, which he moved to refer to the committee on state affairs, which was disagreed to.

Mr. Bradford moved to lay the enacting clause and substitute on the table, and print the same.

Mr. Summers called for a division of the question ; whereupon the enacting clause and substitute were laid on the table, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Gordon,			13

## NAYS.

Mr. Kercheval,			1
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The motion to print was then negatived, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,		5

## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	9

The President announced two messages from the Governor, by Mr. Porter, his private secretary, one on executive business, and the other as follows :

EXECUTIVE DEPARTMENT, }  
April 1, 1839. }

*To the Senate :*

I transmit herewith certain resolutions passed by the legislature of Missouri in relation to the public lands, which have been

sent to me with the request that I would lay them before the legislature of this state.

S. T. MASON.

And the resolutions were read and referred to the committee on state affairs.

Mr. Hawkins presented the bill of William R. Thompson, which was referred to the committee on internal improvement.

Mr. Hawkins laid the following resolution on the table :

*Resolved*, That a committee of one from each senatorial district be appointed to inquire into the expediency of authorizing by law the directors of the state bank, when appointed, to negotiate for the more speedy payment of the balance due on the five million loan, to supply the state with funds to pay in the capital stock of said bank on the part of the state, under the act recently passed. Also, to inquire into the expediency of increasing the stock on the part of the state, so that the whole fund may be used and made available to the state, or so much thereof as is necessary or deemed expedient, in lieu of creating new state stock ; and that they report by bill or otherwise.

Mr. Greenly, from the committee on state affairs, reported back the resolution relative to auditing the account of the commissioner of the state prison, with an amendment, which was, on motion, laid on the table.

On motion of Mr. Greenly, the Senate adjourned.

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## TUESDAY, APRIL 2.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Gordon, Summers and Wing, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook and Drake.

The President submitted the claim of the Detroit post-office, for postage to bank commissioners, and the claim of T. M. Fish, for services of militia against patroits, which were severally referred to the committee on claims.

Mr. Wing, from the committee on the judiciary, reported back the bill to repeal the office of bank commissioner, with a substitute, as an amendment.

Said substitute was adopted and concurred in.

On the passage of the bill the vote stood as follows :

## YEAS.

Mr. Etheridge,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,			7

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,			7

Whereupon, the President decided in the affirmative.

The question being taken, whether the same required a vote of two thirds, it was decided in the negative, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. M'Camly,	
Mr. Curtis,	Mr. Harrington,		5

## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,	Mr. Woodbridge,	9

The President announced two messages from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 1, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a bill to change the name of the village of Hartford, in the county of Washtenaw, to that of Lima, which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,  
*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
 April 1, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a bill to authorize the loan of a certain sum of money to the White Pigeon beet sugar company, which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,  
*Clerk House of Representatives.*

And the bill to change the name of Hartford was read twice and referred to the committee on towns and counties.

And the bill to authorize the loan of a certain sum of money, &c., was read twice and referred to the committee on agriculture.

Mr. Wing, from the committee on the judiciary, reported a bill to provide for the payment of the expenses of the survey of a railroad from Centerville to Niles, which was read twice and referred to the committee of the whole.

Mr. Kercheval presented the claim of Lemuel Goodell, sheriff of Wayne county, for lights and fuel furnished for the use of the supreme and chancery courts of January term, eighteen hundred and thirty-nine, which was referred to the committee on claims.

Mr. Hawkins called up the resolution to appoint a committee to audit, &c., laid on the table yesterday.

Mr. Summers moved to amend the same by striking out all relative to a select committee, and moved to refer the same to the committee on internal improvement, which was disagreed to.

The resolution was then negatived, as follows :

YEAS.

Mr. Gidley,	Mr. Greenly,	Mr. Kercheval,
Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,

6

NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Wing,
Mr. Etheridge,	Mr. Summers,	Mr. Woodbridge,
Mr. Harrington,		

7

Mr. Summers offered the following resolution :

*Resolved*, That the committee on state affairs be instructed to make an early report on the settler's bill from the House of Representatives, referred to them on the twenty-seventh day of February last.

Which was laid on the table.

The Senate went into committee of the whole, Mr. Harrington in the chair, on the resolution to appoint Griswold and Roberts state printers, and after a time the committee rose, and through their chairman reported the resolution back, with a bill, which, on motion of Mr. Kercheval, were, together with the original report, referred to the committee on the judiciary.

Mr. Gordon, pursuant to previous notice, introduced a bill to vacate the present seat of government of the state of Michigan, and establish the same until the year eighteen hundred and forty-seven, which was read twice, referred to the committee of the whole, and ordered to be printed.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 2, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that they have had under consideration the bill to amend the revised law in relation to taverns and other licensed houses, non-concurred in the amendments of the Senate, and appointed Messrs. Goodwin, Acker and Livermore a committee of conference thereon.

I am also instructed to transmit a joint resolution in relation to the adjournment of the legislature, and a joint resolution in respect to the accounts of members of the legislature, which they have passed, and respectfully ask the concurrence of the Senate therein.

Also, to inform the Senate that the House have appointed Messrs. Livermore, Adam and Goodwin a committee of conference in relation to the supposed difference between the two houses on the bill to abolish imprisonment for debt and to punish fraudulent debtors, and respectfully ask the appointment of a committee on the part of the Senate.

Also, to transmit a bill to alter the limits of the corporation of the village of Tecumseh, which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the joint resolution of adjournment was read twice, ordered to the third reading, read the third time and passed.

The joint resolution in respect to accounts of members of the legislature, was also duly passed.

The bill to alter the limits of the corporation of the village of Tecumseh was read twice and referred to the committee on incorporations.

The President announced a message from the Governor, by Mr. Jackson, as follows :

EXECUTIVE DEPARTMENT, }  
April 1, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

A bill entitled "an act to establish the state bank of Michigan."

The importance of this bill to the public, and the near approach of the termination of your session, have induced the Executive to sign this bill, notwithstanding it contains several conflicting provisions, which it is desirable you should remedy before your adjournment. With this view, I would call your especial attention to the first and twenty-second sections of the bill; and also to those features of the seventy-second and seventy-third sections, which seem to be at war with the injunctions of the act of March twenty-one, eighteen hundred and thirty-seven, providing that "the dividends arising from all bank stock owned by this state, or which may hereafter be owned by this state, so far as may be necessary, shall, under the direction of the legislature, constitute a sinking fund, for the payment of principal and interest of the loan" of five millions of dollars, authorized for purposes of internal improvement.

S. T. MASON.

And the same was referred to the committee on the judiciary, with instructions, &c.

On motion of Mr. Gidley, the committee of the whole were discharged from "bill (supplementary) to building state prison," &c., and the same was referred to the committee on state prison.

Mr. McCamly presented the account of Messrs. Drake and Gidley, for expenses in visiting Jackson, which was referred to the committee on claims.

The Senate went into committee of the whole, Mr. Hawkins in the chair, on the "bill to provide for the payment of the expenses of the survey of a railroad from Centerville to Niles," and after a time the committee rose, and reported the bill back, with amendment, which being concurred in, said bill, as amended was ordered to the third reading.

On motion of Mr. Wing, the rule being suspended, the bill was then read the third time and passed.

On motion of Mr. Gordon, the Senate went into executive session.

When the doors were opened, the senate adjourned.

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### WEDNESDAY, APRIL 3.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Curtis, Gidley, Gordon, Harrington, Wing and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook and Drake.

Mr. Kingsley, from the committee on internal improvement, reported adverse to the petition of inhabitants of Oakland county, praying for the incorporation of the Ore Creek and Detroit canal company. Also, adverse to the petition of Livingston county to the like effect; which reports were severally adopted, and the committee discharged.

The same committee reported adverse to the petition of inhabitants of Bronson, Branch county, for alteration in survey of

southern railroad, which report was, on motion of Mr. Summers, laid on the table.

Mr. Curtis, from the committee on roads and bridges, reported adverse to the petition of Ira Barbor and others, for the alteration of the state road in Parma, Jackson county ; which report was adopted and the committee discharged.

Same committee reported "an act authorizing the laying out a state road from Eaton centre to Grand Rapids," &c., which was read twice, and referred to the committee of the whole.

Mr. Curtis presented the petition "praying for a law to make property (on appraisal) to be taken on executions;" also the petition of Riley Ingersoll and others, "for all restraint removed from selling liquors;" which were severally referred to the committee on state affairs.

The President announced Messrs. Bradford, Harrington and McCamly a committee of conference on the "bill to amend the revised law, in relation to taverns and other licensed houses."

Mr. Hawkins, from the committee on incorporations, reported back the "bill to alter the limits of the corporation of the village of Tecumseh," advising against the passage thereof.

And said report and bill were laid on the table.

On motion of Mr. Kercheval,

*Resolved*, That the committee on internal improvement be instructed to inquire,

1st. What is the probable amount of expenditure necessary to complete the several works of internal improvement in which the state is now engaged, according to their present plan :

2d. What is the probable average amount required in each succeeding year :

3d. Whether any advantageous change may be effected as to such expenditure, either by altering the plan of any public work, or by a different distribution of the annual expenditure :

4th. What is the amount of contracts already made by the board of internal improvement above the amount of the sums already appropriated.

On motion of Mr. Kercheval,

*Resolved*, That the committee on the judiciary be instructed to



inquire into the expediency of repealing "an act to create a fund for the benefit of the creditors of certain moneyed corporations," approved March sixteen, eighteen hundred and thirty-six, "an act to organize and regulate banking associations," approved March fifteen, eighteen hundred and thirty-seven, and also "an act to amend an act entitled 'an act to organize and regulate banking associations,' and for other purposes," approved December thirty, eighteen hundred and thirty-seven; also, a "resolution concerning banking associations," approved February two, eighteen hundred and thirty-eight; and that they have leave to report by bill or otherwise.

Mr. Gidley, from the committee on state prison, reported back, with amendment, the bill supplementary to an act authorizing the building of the state prison, which bill, with amendment, was referred to the committee of the whole.

Mr. Wing, from the committee on the judiciary, reported a "bill authorizing Isaac E. Crary, executor of the last will and testament of Ezra Convis, to sell certain lands," which was referred to the committee of the whole, and ordered to be printed.

The Senate went into committee of the whole, Mr. Summers in the chair, on the "bill to provide for the payment of certain claims therein mentioned," and after a time, the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The President announced a message from the Governor, by Mr. Porter, private secretary, as follows:

EXECUTIVE DEPARTMENT, }  
April 3, 1839.

*To the Senate:*

I have this day approved and filed in the office of the Secretary of State,

An act to alter the name of the township of Dunham, and legalize certain acts therein."

"An act to provide for the removal of the seat of justice in the county of Hillsdale, from the village of Jonesville to the village of Hillsdale."

And "an act to provide for the collection of certain unpaid taxes in the township of Monguagon, in Wayne county."

S. T. MASON.

The Senate then went into committee of the whole, Mr. Curtis in the chair, on the bill supplementary to an act authorizing the building of a state penitentiary, and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The Senate then went into committee of the whole, on the "bill to authorize laying out a state road from Eaton centre to Grand Rapids, in Kent county, and for other purposes," and after a time the committee rose, and through their chairman reported the bill back to the Senate.

The question being upon ordering the bill to a third reading,

On motion of Mr. Gidley, it was laid on the table.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 1, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to transmit to the Senate a joint resolution, "in relation to a joint convention of the Senate and House of Representatives, for the purpose of electing directors of the state bank of Michigan," and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the joint resolution was considered by the Senate, and duly passed.

The Senate went into committee of the whole, Mr. Bradford in the chair, on the "bill to vacate the seat of government of the State of Michigan, and establish the same at Marshall, in the county of Calhoun."

And after a time the committee rose, and through their chairman reported progress ; on granting leave to sit again, the vote stood as follows :

YEAS.

Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Hawkins,		

7

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,
Mr. Curtis,	Mr. McCamly,	Mr. Wing,
Mr. Etheridge,		

7

The President decided in the affirmative.

On motion of Mr. Greenly, the Senate took up the joint resolution from the House of Representatives, for the appointment of a commissioner to audit the accounts of the commissioners of the state penitentiary.

Mr. Summers moved to strike out the words "chairman of the select committee, appointed by the House of Representatives," which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Gidley,	Mr. Summers,	8
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## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Greenly,	Mr. McCamly,	

8

Mr. Summers moved to insert after the words "penitentiary and," the words "James W. Gordon," which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Etheridge,	Mr. McCamly,	Mr. Trowbridge,

6

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Hawkins,	3
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And the joint resolution as amended, was ordered to be engrossed for the third reading.

On motion of Mr. Curtis, the Senate agreed to discharge the committee of the whole from the further consideration of the bill to vacate the present seat of government, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,
Mr. Etheridge,	Mr. Kingsley,	Mr. Wing,
Mr. Gordon,		

10

## NAYS.

Mr. Gidley,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Hawkins,			4

The bill being under consideration in the Senate, Mr. Kercheval moved to strike out in the second section, third and fourth lines, the words "until the year of our Lord, one thousand eight hundred and forty-seven," which was not agreed to.

The bill was ordered to the third reading, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Curtis,	Mr. Greenly,	Mr. Wing,	
Mr. Etheridge,	Mr. McCamly,		8

## NAYS.

Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Hawkins,	Mr. Kingsley,	Mr. Woodbridge,	6

And said bill having been read the third time, was, on motion of Mr. Summers, laid on the table.

The engrossed joint resolution relative to auditing accounts of commissioners of state prison, was then read the third time.

The question being on the passage thereof, Mr. Gordon moved to recommit the same to the committee on state affairs, which was agreed to.

Mr. Woodbridge, from committee on state affairs, having had the same under consideration, reported the same back with an amendment, to insert the name of Sands McCamly in place of James W. Gordon ; said amendment was agreed to, and the resolution then passed.

Mr. Hawkins offered the following resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State and the Auditor General be authorized and directed to settle with the Michigan State bank, for all deposits made in said bank, on account of the state, and upon the settlement and payment, to grant full discharge, and to report to the Legislature with all convenient speed.*

Which resolution, on motion of Mr. Woodbridge, was laid on the table, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gidley,			10

## NAYS.

Mr. Greenly,	Mr. Summers,	Mr. Trowbridge,	
Mr. Hawkins,			4

On motion of Mr. Kingsley, the Senate adjourned.

## THURSDAY, APRIL 4.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Gidley and Harrington, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook and Drake

Mr. Etheridge presented the petition of sundry citizens of the township of Girard, Branch county, for the removal of the county seat.

Mr. Summers moved to lay the same on the table, which was not agreed to, and the petition was, on motion of Mr. Etheridge, referred to the committee on state affairs.

Mr. Summers moved that the committee on state affairs be instructed to report their proceedings on certain petitions to remove the county seat of Branch, which was not agreed to.

Mr. Trowbridge, from the committee on incorporations, reported a bill "to amend an act to incorporate the Mechanics' society of Detroit," which was read twice, and, on motion of Mr. Kercheval, ordered to be engrossed for the third reading.

Mr. Summers called up the resolution yesterday offered by Mr. Hawkins, relative to settling with the state bank, and laid on the table.

Mr. Bradford moved to refer the same to the committee on finance, with instructions to report by bill to-morrow morning, which was agreed to.

Mr. Gordon called up the "bill to vacate the present seat of government," &c., and the question being on the passage thereof,

Mr. Bradford moved a call of the Senate, and the same being ordered, Messrs. Curtis and Summers were absent. Whereupon,

On motion of Mr. Bradford, the sergeant-at-arms was directed to procure the attendance of Messrs. Curtis and Summers.

The absentees having appeared and taken their seats,

Mr. Gidley moved to postpone indefinitely the consideration of the subject, which was disagreed to, as follows :

## YEAS.

Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,			10

The " bill to vacate the present seat of government of the state of Michigan, and establish the same until the year one thousand eight hundred and forty-seven," was then passed by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Etheridge,	Mr. Harrington,	Mr. Wing,	9

## NAYS.

Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Hawkins,	Mr. Kingsley,	Mr. Woodbridge,	6

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 4, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to return to the Senate the "bill to provide for the appointment of circuit attorneys, and to define their duties," and respectfully inform them that on the question of its final passage in the House the same was lost.

Also to transmit to the Senate the following entitled bills, which they have passed, and respectfully ask concurrence therein.

"A bill to provide for the government and discipline of the state prison."

"A bill to amend the chapter of the revised statutes entitled 'of primary schools.'"

E. J. ROBERTS,

*Clerk House of Representatives.*

The "bill to provide for the government," &c. was read twice and referred to the committee on state prison.

The bill to amend the chapter in revised statutes "of primary schools," was read twice and referred to the committee on literature.

The Senate went into committee of the whole, Mr. Summers in the chair, on the bill to provide for the payment of certain claims therein mentioned, and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

Mr. Gordon, from the committee on the judiciary, reported a "bill to legalize the acts of the trustees of the first presbyterian society of the township of Troy, in the county of Oakland," which was read twice, and, on motion of Mr. Greenly, referred to the committee of the whole and ordered to be printed.

The Senate went into committee of the whole, Mr. Wing in the chair, on the "bill to amend the revised statutes, and to supply certain omissions therein," and after a time the committee rose, and having through their chairman reported progress, obtained leave to sit again.

The President announced a message from the Governor, by Mr. Porter, private secretary, as follows:

EXECUTIVE DEPARTMENT, }  
April 4, 1839. }

*To the Senate:*

I have this day approved and filed in the office of the Secretary of State,

"An act to incorporate the Grass Lake academy and teachers' seminary."

"And a joint resolution relative to moneys advanced by the Michigan state bank to members and officers of the legislature."

S. T. MASON.

Mr. Etheridge offered the following resolution :

*Resolved*, That during the remainder of this session the Senate will hold two sessions per day, commencing at half past eight o'clock A. M. and half past two o'clock, Saturdays excepted, on which days the afternoon session shall be dispensed with.

Which, on motion of Mr. Summers, was laid on the table.

On motion of Mr. Wing, the Senate adjourned.

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### FRIDAY, APRIL 5.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Bradford, Gordon, Greenly, Hawkins and McCamly, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook and Drake.

Mr. Bradford presented the memorial of E. B. Sherman and others, suggesting the claims of Cass county, to a director of the state bank, which was referred to the committee on incorporations.

Mr. Etheridge presented the petition of Allen Tibbits and others, relative to the location of Branch county seat, which was referred to the committee on state affairs.

Mr. Wing, from the committee on the judiciary, reported a bill relating to proceedings as for contempts to enforce civil remedies and to protect the rights of persons in civil actions, which was read twice, referred to the committee of the whole, and ordered to be printed.

Mr. Curtis, from the committee on roads and bridges, reported an act to authorize laying out a state road from the village of Brooklyn, in the county of Jackson, to the county seat of Ingham county, and for other purposes, which was read twice and laid on the table.

Same committee reported adverse to the following petitions, viz : Petition of Walter Budington and others, for laying out a state road through the centre of Ingham, to Clinton salt works. A petition of James D. Cowden and others, of Eaton county, for



the appointment of state road commissioners ; which reports were severally agreed to and the committee discharged.

Mr. Woodbridge, from the committee on state affairs, reported back the House bill number forty-one, relative to university lands, with a recommendation against the concurrence of the Senate in said bill.

Mr. Woodbridge moved to lay the bill and documents on the table, and print the same.

Mr. Bradford called a division of the motion, and thereupon the question to lay on the table was decided in the negative, as follows :

## YEAS.

Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,		8

On motion of Mr. Summers, the motion to print was laid on the table, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Kingsley,	Mr. Summers,	
Mr. Etheridge,	Mr. M'Camly,	Mr. Wing,	
Mr. Gordon,			7

## NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Trowbridge,		5

On motion of Mr. Kingsley, the bill and documents were referred to the committee of the whole.

On motion of Mr. Summers, the Senate took up for consideration the motion to print ; pending which,

On motion of Mr. Woodbridge, the secretary read the documents, when

Mr. Hawkins moved to print one thousand copies thereof.

Mr. Bradford submitted the following as an amendment :

That the memorial of the regents of the university, read before the Senate, referred to the committee on state affairs, and report-

ed back by the committee, together with the documents therein referred to, and not with the *ex parte* speeches made before that committee by Messrs. Kearsley and Wilkins, reduced to writing, and reported by the committee to Senate, be printed.

The Chair said that the question of printing was susceptible of division, and that the resolution was unnecessary and out of order, from which decision Mr. Bradford appealed, and the question being upon the appeal, the decision of the Chair was sustained, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge, 12

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. M'Camly, 3
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The question to print being under consideration,

Mr. Bradford called for a division thereof on the documents respectively ; whereupon,

"The remonstrance of the board of regents to the Senate of Michigan, against the passage of bill number forty-one, on the file of the House of Representatives," being under consideration, the motion to print one thousand copies was negatived, as follows :

## YEAS.

Mr. Greenly,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Hawkins,		7

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Summers,
Mr. Curtis,	Mr. Gordon,	Mr. Wing,
Mr. Etheridge,	Mr. M'Camly,	8

Whereupon, on motion of Mr. Gidley, five hundred copies of the remonstrance were ordered to be printed.

[See Senate Document No. 32.]

The question then coming up on Major Kearsley's statement of views, &c.

Mr. Hawkins moved to lay the same on the table, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Summers,	6

## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	9

Mr. Hawkins then called the previous question on the subject before the Senate, and on the question "whether the main question shall now be put," the vote was as follows :

## YEAS.

Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Hawkins,			7

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Etheridge,	Mr. McCamly,	Mr. Wing,	
Mr. Gordon,			7

And the President decided in the affirmative.

The Senate agreed to the printing of Major Kearsley's statement of views, &c., by the following vote :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Etheridge,	Mr. McCamly,	Mr. Wing,	6

And five hundred copies thereof were ordered to be printed, by the following vote :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Etheridge,	Mr. McCamly,	Mr. Wing,	6

The Senate agreed to print Ross Wilkins' opinion, &c. by the following vote :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Etheridge,	Mr. McCamly,	Mr. Wing,	6

And five hundred copies thereof were ordered to be printed, by the following vote :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Etheridge,	Mr. McCamly,	Mr. Wing,	6

The Senate ordered five hundred copies to be printed of the following documents, respectively :

Resolution of the board of regents.

Lands for university and public buildings within Kalamazoo land district.

C. C. Douglass's statement.

The Senate agreed to printing lease from Geo. B. Porter to B. W. Finch, by the following vote :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kercheval,	Mr. Wing,	
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Etheridge,	Mr. M'Camly,		5

And five hundred copies thereof were ordered to be printed, by the following vote :

## YEAS.

Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kercheval,	Mr. Wing,
Mr. Harrington,	Mr. Kingsley,	Mr. Woodbridge, 9

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,
Mr. Etheridge,	Mr. McCamly,	5

Mr. Hawkins reported the following resolution, which was read twice and referred to the committee on internal improvements :

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Treasurer of this state be directed to draw his check of fifteen thousand dollars upon the fund negotiated for by the Auditor General, under the law approved March twenty-nine, eighteen hundred and thirty nine, with the bank of Michigan, upon the delivery to him of the Auditor's warrant, issued for the said sum of fifteen thousand dollars, dated twenty-fifth February, eighteen hundred and thirty-nine, payable to Ypsilanti and Tecumseh railroad in pursuance of law.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 4, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate “a bill to provide for the collection of demands against boats and vessels,” which they have passed, with amendments, in which they respectfully ask the concurrence of the Senate.

I am also instructed to transmit to the Senate the following entitled bills, which they have passed, and respectfully ask concurrence therein :

“A bill supplementary to the act entitled ‘an act to establish the state bank of Michigan.’”

“A bill to incorporate Marshall college.”

Also, "rules for the government of joint conventions of the Senate and House of Representatives of the State of Michigan," which they have adopted, and respectfully ask the concurrence of the Senate.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill relative to boats and vessels, as amended by the House, was referred to the committee of the whole.

The bill supplementary to state bank bill, was read twice and referred to the committee of the whole.

The bill to incorporate Marshall college, was read twice and referred to the committee on literature.

The rules for the government of joint conventions, were read twice and referred to the committee of the whole.

Mr. Woodbridge, from the committee on state affairs, asked to be discharged from further consideration of John Mulhollen's case, it having already been provided for by a law passed during this session, and the committee were discharged.

Mr. Gidley presented the petition of H. S. Limbocker and others, for a law to confirm proceedings before justices' courts; referred to the committee on the judiciary.

On motion of Mr. Trowbridge, the Senate took up Mr. Etheridge's resolution relative to two sessions a day, and the same having been amended, was adopted, as follows :

*Resolved*, That during the remainder of the session, the Senate will hold two sessions per day, commencing at nine o'clock, A. M. and half past two o'clock, Saturday's and Monday's excepted, on which days the afternoon session shall be dispensed with.

On motion of Mr. Kingsley,

*Resolved*, That the committee on the judiciary be instructed to report to the Senate a bill making it a penal offence for any officer of the state or other person to whom public money may be entrusted for any purpose, to use such money otherwise than may be provided by law, or to exchange funds entrusted to him as a public officer, for other funds of less value, for private gain.

Mr. Harrington presented the petition of William McAllen, which was referred to the committee on claims.

Mr. Curtis presented the claim of Senator McCamly, for certain services, which was referred to the committee on claims.

On motion of Mr. Harrington,  
The Senate adjourned until half past two o'clock, P. M.

### AFTERNOON SESSION.

*Half past two o'clock P. M.*

The Senate was called to order by Mr. Kingsley, acting president pro tem.

Mr. Gidley, from the committee on state prison, to whom was referred the bill to provide for the government and discipline of the state prison, reported the same back to the Senate without amendment, and the committee were discharged from the further consideration of the bill, and said bill was thereupon referred to the committee of the whole.

The President appeared and took his seat.

The Senate, on motion of Mr. Greenly, went into committee of the whole, Mr. Wing in the chair, on the "bill supplementary to the act entitled 'an act to establish the state bank of Michigan,'" and after a time the committee rose, reported progress, and asked leave to sit again; which leave was not granted, and the committee being discharged, the bill was referred to the committee on the judiciary, and ordered to be printed.

The Senate went into committee of the whole, Mr. McCamly in the chair, on the bill to provide for the collection of demands against boats and vessels, as amended by the House; after a time the committee rose, and reported that the Senate concur in the amendments made by the House to section one and section twenty one, but non-concur in the amendment by the House to section three, line fifth.

The report of the committee of the whole was concurred in by the Senate.

The Senate then went into committee of the whole, Mr. Wing in the chair, on the "bill to amend the revised statutes, and to supply certain omissions therein," and after a time the committee rose, and having reported progress, obtained leave to sit again.

Mr. Harrington gave notice that he would at some future day bring in a bill to provide for the appointment of a vice chancellor, and to prescribe his powers and duties.

On motion of Mr. Hawkins, the Senate adjourned.

## SATURDAY, APRIL 6.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Bradford, Harrington, McCamly and Wing, who afterwards appeared and took their seats.

Absent on leave, Messrs. Cook and Drake.

Mr. Summers, from the committee of conference on the bill abolishing imprisonment for debt, reported the following additional section :

Section 29. The provisions of this act shall not extend to residents of a foreign power who have contracted debts with residents of this state before this act takes effect, until the expiration of one year after the taking effect of this act.

Mr. Woodbridge moved to lay the report on the table, which was disagreed to, as follows :

## YEAS.

Mr. Gidley,	Mr. Summers,	Mr. Woodbridge, 3
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,
Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,		10

The report was then adopted by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,
Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Etheridge,	Mr. Harrington,	Mr. Wing,
Mr. Gidley,	Mr. Hawkins,	11

## NAYS.

Mr. Kercheval,	Mr. Trowbridge,	Mr. Woodbridge, 3
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Mr. Etheridge presented certain petitions, signed by two hundred and eighty persons, for removing the county seat of Branch, which were referred to the committee on state affairs.

Mr. Kercheval presented the " memorial of Rt. Rev. Bishop Reese and others, praying the legislature to pass an act incorporating St. Philip's college, in the county of Wayne, with power to



confer degrees," which was referred to the committee on literature.

Mr. Curtis, from the committee on finance, reported "an act to authorize a settlement with the Michigan state bank," which was read twice, and referred to the committee of the whole.

The President appointed Mr. Bradford acting president pro tem; whereupon,

Mr. Bradford took the chair.

Mr. Greenly, from the committee on literature, reported back the "bill to incorporate the Marshall college," which was referred to the committee of the whole.

Mr. Trowbridge, from the committee on agriculture, reported back the House bill "to authorize the loan of a certain sum of money to the White Pigeon beet sugar company," which was referred to the committee of the whole.

On motion of Mr. Summers, the Senate went into committee of the whole, Mr. Gordon in the chair, on the "bill authorizing a settlement with the Michigan state bank," and after a time the committee rose, and having reported the same back, were discharged from the further consideration thereof.

Mr. Hawkins moved that the Senate go into committee of the whole on the "bill to incorporate the Marshall college," which was agreed to, as follows:

#### YEAS.

Mr. Gidley,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,
Mr. Greenly,		

7

#### NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Summers,
Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,

6

On motion of Mr. Summers, the Senate took up the bill authorizing a settlement with the Michigan state bank, and after divers amendments made therein, the same was ordered to be engrossed for the third reading.

The Senate went into committee of the whole, Mr. Gidley in the chair, on the "bill to incorporate the Marshall college," and after a time the committee rose, and having reported the bill back, were discharged from further consideration thereof.

The bill was then, on motion of Mr. Gordon, read the third time and duly passed, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,
Mr. Etheridge,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Greenly,		

13

## NAYS.

Mr. Curtis,

1

On motion of Mr. Greenly,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing a joint resolution requiring the Attorney General to reside at the seat of government, approved March thirteenth, one thousand eight hundred and thirty-seven.

On motion of Mr. Greenly,

*Resolved*, That the committee on the penitentiary be instructed to bring in a bill vacating the present board of commissioners of the state penitentiary and providing for the appointment of a new board.

Mr. Greenly called up the bill to amend the "act to incorporate the Port Sheldon and Grand Rapids railroad company," and offered as an amendment thereto, additional sections four and five.

The amendments were agreed to, and the bill as amended was ordered to the third reading, and was read the third time and passed, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kingsley,	Mr. Wing,

9

## NAYS.

Mr. Kercheval,

1

Mr. Harrington called up the "bill to provide for the disposition of prisoners apprehended in the county of Shiawassee," and the same was read the third time, and passed.

Mr. Greenly called up the "bill relative to furnishing certain copies of the Journal of Education," &c. and the same was, on motion of Mr. Kercheval, referred to committee of the whole.

And the Senate went into committee of the whole on said bill, Mr. Curtis in the chair, and after a time the committee rose, and reported the same back with amendments.

On motion of Mr. Woodbridge, said bill, with amendments, was laid on the table.

Mr. McCamly, from the select committee on state prison, submitted a report, which was read, laid on the table and ordered to be printed.

The engrossed "bill to authorize a settlement with Michigan state bank," was read the third time and duly passed.

The Senate went into committee of the whole, Mr. Etheridge in the chair, on the House bill "to authorize the loan of a certain sum of money to the White Pigeon beet sugar company," and after a time the committee rose, reported progress, and obtained leave to sit again.

On motion of Mr. Summers, the Senate adjourned.

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#### MONDAY, APRIL 8.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Cook, Harrington, Trowbridge and Wing, who, Mr. Trowbridge excepted, afterwards appeared and took their seats.

Mr. Etheridge presented divers petitions relative to removing Branch county seat, which were laid on the table.

Mr. Greenly, from the committee on state affairs, reported back, with amendment, the bill relative to the county seat of Branch county, which amendment was concurred in, and the bill, as amended, was referred to the committee of the whole, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Etheridge,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,	Mr. Kingsley,	11

## NAYS.

Mr. Summers,	1
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Mr. Greenly, from the committee on literature, reported back the bill to amend the chapter of the revised statutes, entitled "of primary schools," which was laid on the table.

Mr. Curtis, from the committee on finance, reported back the house bill regulating sales at auction, and for other purposes, which was referred to the committee of the whole.

Mr. Wing, from the committee on the judiciary, reported back, with amendments, the House "bill supplementary to the act to establish the state bank of Michigan."

The first amendment, as follows, being under consideration, viz: "strike out in the sixth line of the first section, the words "six directors," and insert in lieu thereof the words "nine directors."

Mr. Curtis moved to amend the amendment, by inserting "eight," instead of "nine," which was agreed to, by the following vote:

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. McCamly,
Mr. Etheridge,	Mr. Greenly,	Mr. Woodbridge,
Mr. Gidley,	Mr. Hawkins,	8

## NAYS.

Mr. Bradford,	Mr. Kercheval,	Mr. Summers,
Mr. Cook,	Mr. Kingsley,	Mr. Wing,
Mr. Harrington,		7

On motion of Mr. Woodbridge, the bill, as amended, was then referred to the committee of the whole, and,

On motion of Mr. Greenly, the Senate went into committee of the whole, Mr. Wing in the chair, on the same, and after a time the committee rose, reported progress, and asked leave to sit again, which was not granted, by the following vote:

## YEAS.

Mr. Cook,	Mr. Gidley,	Mr. Kingsley,	
Mr. Etheridge,	Mr. Hawkins,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	9

Said bill being under consideration by the Senate,

Mr. Bradford moved to reconsider the vote on the amendment to the amendment proposed by Mr. Curtis, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Drake,	Mr. Kingsley,		8

## NAYS.

Mr. Gordon,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Kercheval,		5

The amendment to the amendment was thereupon reconsidered, and negatived, as follows :

## YEAS.

Mr. Gidley,	Mr. Greenly,	Mr. Wing,	
Mr. Gordon,	Mr. Hawkins,		5

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Summers,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Woodbridge,	9

All the amendments (except that relating to loans to corporations,) made thereto by the committee on the judiciary, were then concurred in, and the bill, as amended, was ordered to the third reading.

The President submitted a communication from the Auditor General, relative to the "act authorizing the five million loan, approved March 25, 1837," which was read and referred to the committee on internal improvement.

The president announced two messages from the Governor,

by Mr. Porter, his private secretary, one on executive business, and the other as follows :

EXECUTIVE DEPARTMENT, }  
April 8, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

A joint resolution relative to the Macomb county bank.

S. T. MASON.

The President announced a message from the House of Representatives, received on 6th instant, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 6, 1839. }

*To the President of the Senate :*

Sir: I am instructed by the House of Representatives to return to the Senate the joint resolution in regard to the penitentiary, and respectfully inform them, that the House have concurred therein with an amendment, in which they respectfully ask the concurrence of the Senate.

I am also instructed to transmit to the Senate a resolution instructing the Auditor General to pay E. H. Lothrop a certain sum of money.

Also, a preamble and resolutions relative to certain resolutions of the General Assembly of North Carolina.

Also, to return to the Senate the joint resolution relative to the transfer of a certain account on the survey of the southern railroad line, and respectfully inform them that the House refuse to concur in the amendments made by the Senate.

Also, to transmit a joint resolution relative to elections.

A joint resolution relative to the payment of a certain check due Thomas Beals.

A joint resolution relative to the Havre Branch railroad, which they have passed, and respectfully ask the concurrence of the Senate therein.

Also, to return the bill to provide for the collection of demands against boats and vessels, and respectfully inform the Senate that

the House have receded from their amendment to section three, line five, and passed the bill.

E. J. ROBERTS,

*Clerk House of Representatives.*

The amendment by the House to the joint resolution in regard to the penitentiary, was concurred in, and the resolution ordered to be enrolled.

The joint resolution relative to E. H. Lothrop, was read twice and referred to the committee on internal improvement.

The resolutions relative to the resolutions from North Carolina were read.

Mr. Gidley moved to postpone indefinitely the consideration thereof, which was disagreed to, as follows :

YEAS.

Mr. Gidley,	Mr. Gordon,	Mr. Woodbridge,	3
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NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. M'Camly,	
Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,			13

Mr. Hawkins moved to refer the same to the committee on state affairs, which was disagreed to, as follows :

YEAS.

Mr. Drake,	Mr. Gordon,	Mr. Kercheval,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	6

NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Etheridge,			10

Mr. Kingsley moved a reference of the same to the committee of the whole, which was not agreed to.

Mr. Curtis moved a reference to the committee on the judiciary, which was not agreed to.

Mr. Harrington moved their adoption.

Mr. Etheridge moved the previous question, which not being sustained, the resolutions were thereupon laid on the table.

The Senate refused to recede from their amendment to the joint resolution relative to a certain account on the survey of the southern railroad line, and Messrs. Summers, Wing and Gordon were appointed a committee of conference thereon.

The joint resolution in relation to elections, was read twice and referred to the committee on elections.

The joint resolution relative to Thomas Beals, was read twice and referred to the committee on finance.

The joint resolution relative to the Havre branch railroad, was read twice and referred to the committee on internal improvement.

The bill for the collection of demands against boats and vessels, was ordered to be enrolled.

The President also announced a message from the House of Representatives, by Mr. Adams, their acting clerk, as follows :

HOUSE OF REPRESENTATIVES, }  
April 8, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to return to the Senate a bill to abolish imprisonment for debt, and to inform them that the House have concurred in the report of the committee of conference, and that the bill has passed the House.

Also, to transmit to the Senate a joint resolution in relation to the distribution of the laws to township officers, which has passed the House, and in which the concurrence of the Senate is respectfully requested.

CHARLES S. ADAMS,

*Clerk pro tem. House of Representatives.*

And the bill for abolishing imprisonment for debt was ordered to be enrolled.

The joint resolution relative to distribution of laws, &c. was read twice and referred to the committee on towns and counties.

Mr. Woodbridge gave notice that to-morrow he would ask leave to bring in a bill to facilitate the construction of the public roads of this state.



Mr. Drake presented the petition of Henry Hunt and others, for a road, which was referred to the committee on roads and bridges.

Mr. Hawkins gave notice he would bring in a bill to amend an act to establish a state bank.

Mr. Harrington offered the following :

*Resolved*, That when the Senate adjourn it adjourn to meet at two o'clock this day.

And the same was disagreed to, as follows :

#### YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Harrington,	
Mr. Etheridge,	Mr. Greenly,	Mr. Summers,	6

#### NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Kingsley,	
Mr. Curtis,	Mr. Hawkins,	Mr. McCamly,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	9

Mr. Bradford gave notice that he would at some future day ask leave to bring in a bill to provide for the removal of criminals now in the Berrien county jail, to the state penitentiary at Jackson.

On motion of Mr. Kingsley, the Senate adjourned.

### TUESDAY, APRIL 9.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, Messrs. Bradford, Summers, Trowbridge and Woodbridge were absent, who afterwards appeared and took their seats.

Mr. Cook, from the committee on towns and counties, reported a "bill to provide the circuit court of each county with a seal." which was read twice and ordered to the third reading.

Mr. Drake, from the committee on finance, reported a "bill to provide for purchasing the Detroit and Pontiac railroad, and for other purposes," which was read.

Mr. Summers moved to postpone indefinitely the consideration thereof, which was disagreed to, as follows :

## YEAS.

Mr. Curtis,  
Mr. Greenly,

Mr. Harrington,

Mr. Summers,

4

## NAYS.

Mr. Bradford,  
Mr. Cook,  
Mr. Drake,  
Mr. Etheridge,  
Mr. Gidley,

Mr. Gordon,  
Mr. Hawkins,  
Mr. Kercheval,  
Mr. Kingsley,

Mr. McCamly,  
Mr. Trowbridge,  
Mr. Wing,  
Mr. Woodbridge,

13

The bill was then read the second time, referred to the committee on internal improvement, and ordered to be printed.

Mr. Bradford, from the committee of conference on the bill to amend the revised statutes, in relation to taverns and other licensed houses, submitted a report, which was agreed to.

Mr. Greenly, from the committee on state affairs, reported that the petition of sundry inhabitants of Washtenaw, praying for the passage of a law making it penal for attorneys to refuse or neglect to pay over money collected by them, was fully met by the provisions of a bill reported to the Senate by the committee on the judiciary; which report was agreed to, and the committee discharged.

Mr. McCamly, from the committee on elections, reported back the joint resolution from the House, in relation to elections, with a recommendation against the concurrence of the Senate therein.

The question being on ordering the said joint resolution to the third reading, the same was decided in the affirmative, as follows :

## YEAS.

Mr. Drake,  
Mr. Gidley,  
Mr. Gordon,  
Mr. Greenly,

Mr. Hawkins,  
Mr. Kercheval,  
Mr. Kingsley,  
Mr. Summers,

Mr. Trowbridge,  
Mr. Wing,  
Mr. Woodbridge,

11

## NAYS.

Mr. Bradford,  
Mr. Cook.

Mr. Curtis,  
Mr. Etheridge,

Mr. Harrington,  
Mr. McCamly,

6

Mr. Gidley, from the committee on the penitentiary, reported a "bill to vacate the board of commissioners on the state penitenti-

ary, and to provide for the appointment of a new board," which was read twice, and referred to the committee of the whole.

Mr. Gordon, from the committee on claims, reported adverse to the petition of William McAllan for remuneration of damages by railroad, which report was agreed to, and the committee discharged.

Mr. Kingsley, from the committee on internal improvement, reported "an act to provide for the filing of maps and profiles of the several canals and railroad in this state in the office of the Secretary of State," which was read twice and ordered to the third reading.

The President announced a message from the House of Representatives, received on the sixth instant, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 6, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to return to the Senate the "bill making appropriations to John S. Bagg, state printer," and inform them that the same has passed the House, with an amendment.

Also, the "bill to authorize a settlement with the Michigan State bank," and respectfully inform you that the same has passed the House with amendments.

Also, that the House has passed the "bill to incorporate the Grand River seminary," with several amendments, and that the concurrence of the Senate is respectfully asked therein.

Also, the "bill to incorporate the Marshall female seminary," which they have passed.

Also, to transmit to the Senate the following entitled bills, and respectfully ask their concurrence therein :

"A bill to legalize elections in Ottawa county."

"A bill to amend an act entitled 'an act to incorporate the trustees of the Spring Arbor seminary.'"

"A bill to provide for the more effectual defence of the state against foreign invasion."

A bill entitled "an act to authorize Mary Ann Whitney to convey real estate."

A joint resolution in relation to the postponement of the time

for holding a joint convention to elect bank directors, which they have passed, and respectfully ask concurrence therein.

Also, the two following joint resolutions, which they have passed, and respectfully ask concurrence therein.

“Joint resolution, relative to the sale of the revised statutes.”

“Joint resolution in relation to contractors on the third division of the central railroad.”

I am also instructed to transmit a “bill to authorize the county commissioners of Washtenaw county to loan money,” which the House have passed, and respectfully ask the concurrence of the Senate therein.

Also, the bill to amend the act to incorporate the Port Sheldon and Grand Rapids railroad company, and respectfully inform you that the House have concurred in the amendments thereto by the Senate, except the amendment to section one, line six, in which they refuse to concur.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill making appropriations to John S. Bagg, was, with the amendments, referred to the committee of the whole.

The House amendments to the bill to incorporate the Grand River theological seminary, were concurred in, as follows :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. M'Camly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gordon,		

16

NAYS.

0

And the bill was ordered to be enrolled.

Mr. Bradford, on leave, introduced “a bill to authorize the removal of certain convicts in the jail of Berrien county to the state prison,” which was read twice and referred to the committee of the whole.

On motion of Mr. Woodbridge, the Senate went into committee of the whole, Mr. Gidley in the chair, on the “bill to prescribe the powers and duties of justices of the peace in civil

proceedings," and after a time the committee rose, and having reported progress, obtained leave to sit again.

Mr. Greenly, from the committee on literature, reported "an act to incorporate St. Philip's college," which was read twice, referred to committee of the whole, and ordered to be printed.

Mr. Gordon, from the committee on claims, reported certain amendments to the "bill to provide for the payment of certain claims therein mentioned," which were referred to the committee of the whole.

The amendment by the House to the "bill to authorize a settlement with the Michigan state bank," was then agreed to, and the bill ordered to be enrolled, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Etheridge,	Mr. Kingsley,		9

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,		5

The bill to incorporate the Marshall female seminary, was ordered to be enrolled.

The bill to legalize elections in Ottawa, was read twice and ordered to the third reading.

The act relative to Spring Arbor seminary was read twice and referred to the committee on literature.

The bill relative to foreign invasion, was read twice and referred to the committee on the militia.

The bill "to authorize Mary Ann Whitney," &c., was read twice and referred to the committee on the judiciary.

The joint resolution to postpone convention to elect state bank directors, was concurred in and passed by the Senate.

The joint resolution relative to the revised statutes, was read twice and referred to the committee on the judiciary.

The joint resolution relative to contractors on the third division of the central railroad, was read twice and referred to the committee of the whole.

The Senate recessed from their amendment to line six, section

one, in the bill relative to Port Sheldon and Grand Rapids railroad company, and the said bill passed.

On motion of Mr. Harrington, the Senate adjourned until half past two o'clock, P. M.

### AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

The rules being suspended, the "bill to legalize elections in Ottawa county," was read the third time and passed.

Also, the joint resolution relative to elections, was read the third time, and the vote on its passage was as follows :

#### YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		11

#### NAYS.

Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,			4

There not having been a majority of "two thirds of the members elected," the vote was reconsidered and the resolution was, on motion of Mr. Summers, laid on the table.

The bill "supplementary to the act to establish the state bank of Michigan," was read the third time, and, on motion of Mr. Greenly, recommitted to the committee on incorporations.

The Senate then went into committee of the whole, Mr. Gidley in the chair, on the "bill to prescribe the powers and duties of justices of the peace in civil proceedings," and after a time the committee rose, reported progress, and obtained leave to sit again.

The Senate went into committee of the whole, Mr. Etheridge in the chair, on the bill "to authorize the loan of a certain sum of money to the White Pigeon beet sugar company," and after a time the committee rose, and having reported the bill back to the Senate, were discharged from further consideration thereof.

The question being on ordering the bill to the third reading, Mr. Drake moved to lay the same on the table, which was disagreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Kingsley,	Mr. Wing,	7
Mr. Gidley,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Kercheval,			

## NAYS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	8
Mr. Cook,	Mr. Gordon,	Mr. Hawkins,	
Mr. Curtis,	Mr. Greenly,		

The bill was then ordered to the third reading by the following vote :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	9
Mr. Cook,	Mr. Gordon,	Mr. M'Camly,	
Mr. Curtis,	Mr. Greenly,	Mr. Wing,	

## NAYS.

Mr. Hawkins,	Mr. Kingsley,	Mr. Trowbridge,	6
Mr. Kercheval,	Mr. Summers,	Mr. Woodbridge,	

The bill was thereupon read the third time, and the question being on its final passage, the Senate was equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Etheridge,	Mr. Harrington,	8
Mr. Cook,	Mr. Gordon,	Mr. M'Camly,	
Mr. Curtis,	Mr. Greenly,		

## NAYS.

Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	8
Mr. Hawkins,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		

And the President decided in the affirmative.

Mr. McCamly moved to reconsider the vote of passage, which being agreed to, the bill was, on motion of Mr. Bradford, recommitted to the committee on the judiciary.

The Senate went into committee of the whole, Mr. Harrington in the chair, on the bill "making appropriations to John S. Bagg," as amended by the House of Representatives, and after a time the committee rose, and having reported the bill as amended,

back to the Senate, were discharged from the further consideration thereof.

The question being on concurring in the amendments made by the House, the Senate was equally divided as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,		8

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		8

Mr. Wing not having voted, wished to be excused therefrom, on which the Senate were equally divided.

And the chair decided the questions severally in the affirmative.

Mr. Summers moved to reconsider the vote on the passage of the bill, and the bill, together with said motion, was laid on the table, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,		8

On motion of Mr. Kercheval, the committee of the whole were discharged from the consideration of the ' rules for joint conventions,' and the same were, on motion of Mr. Hawkins, laid on the table and ordered to be printed.

The Senate went into committee of the whole, Mr. Cook in the chair, on the " bill to vacate the office of commissioners on state prison," &c. and after a time the committee rose, and having reported progress, obtained leave to sit again.

The Senate went into committee of the whole, Mr. Curtis in the chair, on the " bill for the relief of certain settlers on univer-



sity and state lands," and after a time the committee rose and reported the bill back with amendments, but the Senate refused to discharge the committee, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,
Mr. Etheridge,	Mr. McCamly,	Mr. Wing,
Mr. Gordon,		

7

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,		

10

On motion of Mr. Summers, the Senate took up the bill to repeal the act to provide for the appointment of a state printer.

The question being on ordering the same to the third reading, Mr. Harrington moved to strike out all after the enacting clause and to insert a certain substitute offered by him.

Pending discussion, on motion of Mr. Bradford, the whole subject was laid on the table.

Mr. Wing, from the committee on the judiciary, reported back with amendment, the "bill authorizing a loan to White Pigeon beet sugar company."

Mr. Bradford moved that the Senate concur in the amendment, which was agreed to, and the question being on the passage thereof as amended,

On motion of Mr. Greenly, the same was laid on the table.

Mr. Woodbridge, on leave, introduced a "bill to facilitate the construction of the public roads of this state," which was read twice and referred to the committee on roads and bridges.

Mr. Harrington, from standing committee, reported certain bills as correctly enrolled.

On motion of Mr. Summers, the Senate adjourned.

## WEDNESDAY, APRIL 10.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Cook, McCamly and Wing, who afterwards appeared and took their seats.

The Senate granted Mr. Etheridge leave of absence for the remainder of the session.

Mr. Gordon, from the committee on claims, submitted a report relative to the claim of the estate of the late Hiram Alden; which was laid on the table, and ordered to be printed.

[See Senate Document No. 34.]

Mr. Harrington, from the standing committee, reported as correctly enrolled the bill to abolish imprisonment for debt.

Mr. Kingsley, from the committee on internal improvement, reported adverse to the resolution directing the State Treasurer to draw his check for fifteen thousand dollars, &c.

The question being on adopting said resolution,

On motion of Mr. Hawkins, the same, with the adverse report thereon, was laid on the table.

Mr. Summers moved to take up his motion to reconsider the vote on the passage of J. S. Baggs' bill, which was not agreed to.

Mr. Greenly, from the committee on literature, reported back the House bill to amend "an act to incorporate the trustees of the Spring Arbor seminary," &c., and the same was ordered to the third reading.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
April 10, 1839. }

*To the President of the Senate:*

Sir—I am instructed by the House of Representatives to return to the Senate a bill to amend chapter one, title ten, part first, revised statutes, "of religious societies," and respectfully inform them that the same has passed the House without amendment.

Also, the bill for the further distribution of the revised code,

and for other purposes, which has passed the House with sundry amendments.

Also, the bill to establish certain township lines in the county of St. Clair, and for other purposes, which has passed the House with an amendment.

Also, the following entitled \*bills, viz :

A bill more effectually to protect the state against various frauds.

A bill to authorize the administrators on the estate of James Riggs, to convey real estate.

A bill to continue the Clinton and Kalamazoo canal from its present eastern termination in the Clinton river, at Mt. Clemens, to the navigable waters of Lake St. Clair, at Belvidere.

And a bill to change the name of the first Presbyterian church and society of Sharon and Bridgewater.

All of which have passed the House, and the concurrence of the Senate is respectfully asked therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill to authorize the administrator of the estate of James Riggs, &c. was read twice and referred to the committee on the judiciary.

The bill more effectually to protect the state against various frauds, was read twice and referred to the committee of the whole.

The amendment by the House to the bill to establish certain township lines in the county of St. Clair, was concurred in by the Senate by a majority vote ; whereupon,

Mr. Drake objected, that the same being within the second section of the twelfth article of the constitution, required a two-thirds vote.

The Chair decided that the bill was not a two-thirds bill :

And from this decision Mr. Drake appealed, and the decision of the chair was sustained, as follows :

YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kercheval,
Mr. Cook,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Gidley,	Mr. Hawkins,	

## NAYS.

Mr. Drake,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Summers,			4

And said bill was ordered to be enrolled.

The bill to change the name of the first Presbyterian church, &c. was read twice and referred to the committee on the judiciary.

The amendments by the House to the bill to provide for the further distribution of the revised code, being under consideration, the Senate refused to concur therein.

The bill to continue the Clinton and Kalamazoo canal, &c. was read twice and referred to the committee of the whole.

The bill entitled "of religious societies," was ordered to be enrolled.

Mr. Hawkins, from the committee on incorporations, reported back, with amendments, the bill (supplementary) to establish a state bank.

The question being on the following amendment, viz : to substitute as section one,

"That the state bank of Michigan, established by the act to which this is a supplement, shall consist of nine branches, instead of seven, which shall be located and established by the present legislature," the same was agreed to, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		11

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Cook,			4

Mr. Bradford moved to refer the whole subject to the committee of the whole, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Cook,	Mr. Woodbridge,	3
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## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. M'Camly,	
Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,	12

The question then being on the following amendment,

"Section 2. There shall be eight directors chosen by the legislature, instead of seven, as required by the thirteenth section of said act, who shall determine their term of service as therein prescribed, three going out each year."

The same was agreed to, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,		11

## NAYS.

Mr. Bradford,	Mr. M'Camly,	Mr. Woodbridge,	
Mr. Cook,			4

The question then being on the following amendment :

"Section 3. Said directors so chosen, shall elect a president of said bank, who shall not be of their own number, who shall be a director by virtue of his office as president, and on all questions vote as such, and in case of there being a tie, the president shall have two votes."

The same was agreed to, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,		11

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Cook,			4

The other amendments by the committee were all agreed to.

Mr. Hawkins moved further to amend by striking out the fourth section, which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Kercheval,
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,		

7

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,
Mr. Cook,	Mr. Kingsley,	Mr. Wing,
Mr. Drake,	Mr. McCamly,	Mr. Woodbridge,

9

Mr. Hawkins then moved to strike out all after the enacting clause, which was disagreed to.

Mr. Drake moved further to amend, as follows :

"Section 8. Nothing in this act, or the one to which this is an amendment or supplementary, shall be construed to prevent the legislature from altering, amending or repealing the said act or acts."

Which was agreed to.

Mr. Bradford moved to reconsider the vote on the second section, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Cook,	Mr. McCamly,	3
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## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Greenly,		

18

And the bill was thereupon ordered to the third reading.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 10, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a bill relative to trunks, baggage, and other unclaimed personal property, which they have passed, and respectfully ask concurrence therein.

A bill confirming the conveyance of the trustees of the French

catholic church of the city of Monroe, to the Right Rev. F. Rese, Bishop of Detroit.

A bill to organize a certain township.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill relative to trunks, &c. was read twice and referred to the committee of the whole.

The bill confirming the conveyance of the French catholic church, &c. was read twice and referred to the committee on the judiciary.

The bill to organize a certain township, was read twice and referred to the committee on towns and counties.

The President announced two messages from the Governor, by Mr. Porter, his private secretary, one on executive business, and the other as follows :

EXECUTIVE DEPARTMENT, }  
April 10, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

"An act to provide for the collection of demands against boats and vessels."

"An act to authorize a settlement with the Michigan state bank."

"An act to amend an act entitled 'an act to incorporate the Port Sheldon and Grand Rapids railroad company.'"

"An act to provide for the disposition of prisoners apprehended within the county of Shiawassee."

"An act to legalize elections in Ottawa county."

"A joint resolution relative to the state penitentiary."

"An act making special appropriations, and for other purposes."

S. T. MASON.

Mr. Summers called up his motion to reconsider the vote on the bill making appropriations to John S. Bagg, and the Senate agreed to reconsider the vote on agreeing to the House amendment thereto, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Cook,	Mr. Kercheval,	Mr. McCamly,	
Mr. Greenly,			7

And the question being on agreeing to said amendment,

Mr. Curtis had the floor, when he gave way to a motion to adjourn.

Mr. Drake gave notice that he would at some future day ask leave to introduce the following bills :

A bill for the relief of David Brown and Samuel Clark.

A bill authorizing township meetings to adjourn from one place to another.

A bill legalizing the late township meeting held in the township of Holly, in the county of Oakland.

Mr. Kingsley, on leave, introduced a bill to incorporate the Detroit and St. Joseph railroad company, which was read twice and referred to the committee on incorporations.

On motion of Mr. McCamly, the Senate adjourned.

## AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

Mr. Curtis resumed the floor on the question of concurring in the amendment to the bill "making appropriations to John S. Bagg," and the question was about to be taken thereon, when,

On motion of Mr. Bradford, said bill, with amendment, was laid on the table.

Mr. Bradford moved that the Senate go into committee of the whole, on the "bill for the relief of settlers on university and state lands," which was not agreed to.

The bill to amend an act entitled "an act to incorporate the trustees of the Spring Arbor seminary," passed March twenty-third, one thousand eight hundred and thirty-five, was read a third-time, and duly passed by a two-third vote.



The bill "to provide the circuit court of each county with a seal," was read the third time and passed.

An act to "provide for the filing of the maps and profiles of the several canals and railroads in the state, in the office of the Secretary of State," was read the third time and passed, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Cook,	Mr. Kingsley,	Mr. Wing,	
Mr. Curtis,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Summers,		11

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Greenly,	
Mr. Gidley,			4

The bill "supplementary to the act entitled 'an act to establish the State bank of Michigan,'" was read a third time, and the vote on the passage thereof was as follows :

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Kercheval,	
Mr. Drake,	Mr. Greenly,	Mr. Summers,	
Mr. Gidley,	Mr. Harrington,	Mr. Wing,	9

## NAYS.

Mr. Bradford,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Cook,	Mr. McCamly,	Mr. Woodbridge,	6

There not having been a majority of two-thirds, Mr. Greenly moved a reconsideration of the vote on the passage thereof, which having been agreed to, the bill, on motion of Mr. Gidley, was laid on the table.

On motion of Mr. Kercheval, the Senate went into committee of the whole, Mr. Greenly in the chair, on the "bill to incorporate St. Philips' college," and after a time the committee rose and reported the bill back, with amendments, as follows :

Amend first section in the fourth line, by striking out the words "by the see of Rome," and insert "according to the rules and regulations of the Roman catholic church," which was concurred in, as follows :

YEAS.

Mr. Cook,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Gordon,	Mr. Wing,	
Mr. Drake,	Mr. McCamly,	Mr. Woodbridge,	9

NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kercheval,	
Mr. Greenly,	Mr. Hawkins,	Mr. Summers,	6

Amend further by striking out all of line second in section seven, which was concurred in as follows :

YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Harrington,	Mr. Wing,	
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,	12

NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Kercheval,	8
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On motion of Mr. Kercheval, the Senate agreed to reconsider the vote on amending the fourth line of the first section, and said amendment was thereupon non-concurred in, and the bill was ordered to the third reading.

On motion of Mr. Kercheval, said bill was then read the third time and passed, by the following vote :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. McCamly,		14

NAYS.

Mr. Gidley,	1
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On motion of Mr. Summers, the Senate took up the bill to repeal "an act to provide for the appointment of a state printer, and to prescribe his powers and duties," and the question being on striking out all after the enacting clause, and inserting a substitute offered by Mr. Harrington,

Mr. Greenly moved to lay the whole subject on the table, which was disagreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kercheval,	
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	5

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Trowbridge,		5

Mr. Summers moved to amend by inserting after the word "printer," in the fourth section,

"Shall be elected within two days after this act shall be approved by the Governor, and,"

Which was disagreed to.

The question then recurring on the motion to strike out and insert, it was decided in the affirmative, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Wing,	
Mr. Curtis,	Mr. Kingsley,		5

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	6

And the same was ordered to the third reading.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 10, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit a "joint resolution authorizing the State Treasurer to receive out of the internal improvement fund eighty thousand dollars, and deposit the same to the credit of the general fund," which they have passed, and respectfully ask concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said joint resolution was read twice, and laid on the table.

The President announced a message from the Governor, by Mr. Porter, his private secretary, as follows :

EXECUTIVE DEPARTMENT, }  
April 10, 1839.

*To the Senate :*

I have this day approved and filed in the office of the Secretary of state,

“ An act to abolish imprisonment for debt and to punish fraudulent debtors.”

S. T. MASON.

On motion of Mr. Harrington, the Senate took up the bill “ authorizing a loan of a sum not exceeding one hundred thousand dollars for the benefit of the St. Clair and Romeo railroad company,” and pending discussion thereon,

On motion of Mr. Drake, the same was laid on the table.

Mr. Kingsley, the rule having been suspended, on leave, introduced a bill to incorporate the Detroit and St. Joseph railroad bank, which was read twice and referred to the committee on incorporations.

On motion of Mr. Bradford, the Senate adjourned.

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#### THURSDAY, APRIL 11.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

All the Senators were present except Mr. Etheridge, absent on leave.

Mr. Drake, from the committee on finance, reported back the joint resolution (House of Representatives) relative to the payment of a certain check due Thomas Beals, with the following amendment :

“ *Provided, however,* That the said check shall be paid out of the university and common school moneys, and no other ;” which was concurred in by the Senate, and the joint resolution ordered to the third reading.

Mr. Cook, from the committee on the militia, reported back the House bill “ to provide for the more effectual defence of the state against foreign invasion,” with amendments, as follows :

Strike out the second word (as) in the fourth line of section four, and strike out all after “ thereof,” same line and section, to “ enactment,” inclusive, in the following line.

Said amendments having been concurred in, the bill, as amended, was ordered to the third reading.

Mr. Cook, from the committee on towns and counties, reported the House bill "to organize a certain township," without amendment, and the same was ordered to the third reading.

Also, the bill to provide for the assessment and expenditure of highway taxes in certain cases, without amendment, and the bill was ordered to the third reading.

Also, the House joint resolution "to authorize the Secretary of State to procure eight thousand copies of the laws," &c., without amendment, and the same was, on motion of Mr. Drake, laid on the table.

The same committee also reported a bill "to change the name of Cady," which was ordered to the reading.

Mr. Drake, from the select committee, reported back the "bill to amend an act entitled an act to amend part three, title one, chapter three, of the revised statutes, and for other purposes, approved February 8, 1839," with a substitute therefor; and the same was, on motion of Mr. Harrington, laid on the table.

Mr. Harrington, from the standing committee, reported various bills as correctly enrolled.

Mr. Gordon, from the committee on the judiciary, reported back the House bill "to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan," with amendments as follows: Insert the word "henceforth" in line six, section one; also, add to first section, "Provided, nevertheless, that nothing herein contained shall be so construed as to take away, or injuriously affect, any individual vested right."

Said amendments were concurred in, and the bill was ordered to the third reading.

Mr. Wing, from the committee on the judiciary, reported adverse to the petition of Henry S. Linebacker; which report was agreed to and the committee discharged.

Mr. Kercheval submitted the following joint resolution, which was referred to the committee on internal improvement:

*Resolved, by the Senate and House of Representatives of the State of Michigan, That it is for the best interest of this state*

that the contract heretofore entered into by the Governor of this state for the five million loan, be so far varied (if practicable to make such arrangement with the contracting party,) as only to receive three millions of said loan.

*Resolved further*, That it is inexpedient, under the embarrassed state of the country at this time, and which must continue for some time to come, to make arrangements for the prosecution of our system of internal improvements beyond three millions of dollars; and that all appropriations hereafter to be made, ought to be made with a view to expenditures on those works only which will be likely to produce an income very nearly equal to the interest of the money which they cost.

Mr. Bradford gave notice that at some future day he would ask leave to introduce a bill to amend an act entitled "an act to amend an act entitled 'an act to incorporate the village of Niles,' and the acts amendatory thereof."

The following were then read the third time and passed:

House bill "to provide for the more effectual defence of the state," &c., by the following vote:

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Trowbridge,
Mr. Cook,	Mr. Kercheval,	Mr. Wing,
Mr. Curtis,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Greenly,	Mr. McCamly,	11

## NAYS.

Mr. Gidley,	Mr. Gordon,	Mr. Hawkins,	3
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House joint resolution relative to a "certain check due Thomas Beals."

Bill "to provide for assessment and expenditure," &c.

The bill to amend an act to provide for the appointment of state printer, came up for the third reading, whereupon the same was,

On motion of Mr. Hawkins, recommitted to the committee on finance.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
 April 11, 1839. }

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to transmit to the Senate “a bill to incorporate the Dexter branch canal company,” which they have passed, and respectfully ask their concurrence therein.

Also, a joint resolution relative to the Sault Ste. Marie canal, which they have passed, and respectfully ask their concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill “to incorporate the Dexter branch canal company,” and the joint resolution relative to the Sault Ste. Marie canal, were severally read twice and referred to the committee on internal improvement.

On motion of Mr. Bradford, the Senate went into committee of the whole, Mr. Curtis in the chair, on the “bill for the relief of settlers on university and state lands,” and after a time the committee rose, reported progress, and asked leave to sit again.

Leave was granted by the following vote:

YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		8

NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers.	
Mr. Curtis,	Mr. McCamly,	Mr. Wing,	
Mr. Gordon,			7

On motion of Mr. Summers, the Senate took up the bill “making appropriations to John S. Bagg,” and the question being on concurring in the amendment made by the House to the amendment made by the Senate, the same was non-concurred in, as follows:

YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Cook,	Mr. Kercheval,	Mr. McCamly,	6

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	9

On motion of Mr. Harrington, a committee of conference thereon was then ordered by the following vote :

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Wing,	
Mr. Cook,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,	Mr. McCamly,		8

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,			7

Whereupon, the President appointed as said committee, Messrs. Harrington, Wing and Woodbridge.

The Senate went into committee of the whole, Mr. Wing in the chair, on the bill "to amend the revised statutes and to supply certain omissions therein," and after a time the committee rose and reported the bill back with amendments, and the committee were discharged from the further consideration thereof.

And the bill was laid upon the table.

The Senate went into committee of the whole, Mr. Kercheval in the chair, on the House bill relative to "trunks, baggage, and other unclaimed personal property," and after a time the committee rose, and having reported the bill back to the Senate, were discharged from further consideration thereof.

And the bill was ordered to the third reading.

Mr. Summers called up the House joint resolution relative to elections, and the question being on concurring therein, the vote was as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		11



## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Cook,		

4

And the same not being a vote of two-thirds, the joint resolution did not pass.

Mr. Kercheval gave notice that he would, to-morrow, move for a reconsideration of the above vote.

Mr. Gordon, from the committee on the judiciary, made a report on the opinion of the Attorney General on the existence of the Farmers' and Merchants' Bank of St. Joseph, which report was accepted, and the committee were discharged.

Mr. Bradford moved to print the same, on which the Senate were equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,
Mr. Cook,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Curtis,	Mr. Kingsley,	

8

## NAYS.

Mr. Drake,	Mr. Greenly,	Mr. Trowbridge,
Mr. Gidley,	Mr. Harrington,	Mr. Wing,
Mr. Gordon,	Mr. Summers,	

8

And the President decided in the affirmative.

Mr. Curtis, from the committee on finance, reported back the (substitute) bill "to amend the act to appoint a state printer," which was laid on the table.

Mr. Kingsley, on leave, introduced the following bills, which were severally read twice and referred to the committee on incorporations :

A bill to incorporate the bank of Huron river.

A bill to incorporate the stockholders of the Merchants' Bank of Jackson county.

On motion of Mr. Kingsley, the Senate took up the joint resolution to "authorize the Auditor General to draw a certain amount," and the same was recommitted to the committee on internal improvement.

On motion of Mr. Harrington, the Senate adjourned.

## AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

The President announced two messages from the Governor, by Mr. Porter, his private secretary, one on executive business, the other as follows :

EXECUTIVE DEPARTMENT, }  
*April 11, 1839.* }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

“ An act to amend the revised statutes, in relation to taverns and other licensed houses.”

“ An act to incorporate the Marshall female seminary.”

“ An act to incorporate the Grand River theological seminary.”

“ An act to amend chapter one, title ten, part one, of the revised statutes ; ‘ of religious societies.’ ”

S. T. MASON.

The president announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
*April 11, 1839.* }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to transmit to the Senate the following entitled bills, which they have passed, and respectfully ask concurrence therein :

“ A bill to legalize the official acts of John Dewey, a justice of the peace.”

“ A bill relative to the erection of bridges in certain cases.”

E. J. ROBERTS,

*Clerk House of Representatives.*

And the “ bill to legalize the official acts of John Dewey,” &c., was read twice, and referred to the committee on the judiciary.

The bill “ relative to the erection of bridges,” &c., was read twice and referred to the committee on roads and bridges.

Mr. Kingsley, from the committee on internal improvement, reported back the House joint resolution "to authorize the Auditor General to draw a certain amount," &c., and the same was ordered to the third reading.

On motion of Mr. Hawkins, the same was accordingly read, and the question being on the final passage,

Mr. Drake moved to lay the resolution on the table, which was disagreed to, as follows :

## YEAS.

Mr. Drake,	Mr. McCamly,	Mr. Trowbridge,
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,
Mr. Gordon,		

7

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Cook,	Mr. Hawkins,	Mr. Wing,
Mr. Curtis,	Mr. Kercheval,	

8

Mr. Summers moved to refer said resolution to a select committee, who shall report thereon to-morrow morning, which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,
Mr. Gordon,		

10

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Wing,
Mr. Greenly,	Mr. Kingsley,	

5

Whereupon, the President appointed as said select committee, Messrs. Summers, Wing and Kingsley.

Mr. Greenly moved to reconsider the vote on referring to select committee, on which the Senate was equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Wing,
Mr. Cook,	Mr. Hawkins,	Mr. Woodbridge,
Mr. Greenly,	Mr. Kingsley,	

8

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. McCamly,		8

And the President decided in the affirmative.

The question then recurring on referring the same to the select committee, the Senate were equally divided, as follows :

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. McCamly,		8

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Wing,	
Mr. Cook,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Kingsley,		8

The President decided in the negative.

The joint resolution "to authorize the Auditor General to draw a certain amount," was then adopted, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	12

## NAYS.

Mr. Drake,	Mr. McCamly,	Mr. Summers,	
Mr. Gordon,			4

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 11, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that Messrs Adam, Livermore and Tucker have been appointed on the part of the House, a committee to meet the committee of conference on the part of the Senate, in

relation to the difference on the "bill making appropriations for the payment of John S. Bagg, State Printer."

E. J. ROBERTS,

*Clerk House of Representatives.*

On motion of Mr. Drake,

*Resolved*, That his excellency the Governor, be requested to communicate to the Senate, what, if any, special contract has been made with the Ypsilanti and Tecumseh railroad company, for the payment of the moneys arising from the sale of the state bonds sold for the benefit of said company.

On motion of Mr. Bradford, the bill to amend (substitute) the act appointing a state printer, was taken up.

The question being on the amendments thereto by the committee on finance, the same were all concurred in, and the bill was

On motion, recommitted to the committee on state affairs.

The bill "relative to trunks, baggage and other unclaimed personal property," was read the third time and passed.

Also, the bill "to change the name of the township of Cady."

Also, the bill "to organize a certain township," was taken up, for a third reading, and the same was,

On motion of Mr. Drake, recommitted to the committee on towns and counties.

On motion of Mr. Summers,

*Resolved*, That the committee on finance be instructed to report at their earliest convenient leisure, the nature, amount and value of the securities given by the Ypsilanti and Tecumseh railroad company, to secure the amount of the money loaned on account of said company, and that they make a like report in relation to the loan made to the Pontiac railroad company.

On motion of Mr. Hawkins, the bill (supplementary) "to establish the state bank" was taken up and recommitted to the committee on incorporations.

On motion of Mr. Woodbridge, the Senate took up the report of the committee on state affairs on intoxicating drinks, and the report was adopted, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,
Mr. Greenly,		13

## NAYS.

0

And thereupon the committee were discharged from further consideration of the subject.

Mr. Hawkins, from the committee on incorporations, reported back the bill (supplementary) to establish a state bank, with an amendment, to strike out the fourth section ; which amendment was concurred in, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,
Mr. Greenly,		10

## NAYS.

Mr. Cook,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Drake,	Mr. McCamly,	5

Mr. Cook moved to lay the bill on the table, which was disagreed to.

The bill was then passed by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,
Mr. Gordon,	Mr. Kercheval,	11

## NAYS.

Mr. Cook,	Mr. Woodbridge,	2
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Mr. Kingsley, from the committee on internal improvement, reported back the bill " to provide for the purchasing of the Detroit and Pontiac railroad, and for other purposes."

Mr. Summers moved to lay the same on the table.

Mr. Drake, on leave, introduced a bill " to legalize the late

township meeting in the township of Holly, in the county of Oakland; which was read twice and referred to the committee of the whole.

Mr. Bradford, the rule being suspended, introduced on leave, "an act further to amend the acts incorporating the village of Niles," which was read twice and referred to the committee of the whole.

On motion of Mr. Summers, the Senate adjourned.

### FRIDAY, APRIL 12.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Cook, Gordon, Hawkins and Wing, who afterwards appeared and took their seats.

Absent on leave, Mr. Etheridge.

Mr. Hawkins, from the committee on incorporations, reported back the "bill to incorporate the stockholders of the Merchants' bank of Jackson county."

The "bill to incorporate the Detroit and St. Joseph railroad bank."

The "bill to incorporate the bank of Huron river;" which were severally referred to the committee of the whole.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows:

HOUSE OF REPRESENTATIVES, }  
April 12, 1839. }

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to transmit to the Senate the following entitled bills, which they have passed, and respectfully ask concurrence therein.

"A bill relative to state annual reports."

"A bill to vacate a part of the village of Flint."

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill relative to certain state annual reports, was read twice and referred to the committee of the whole.

The bill to vacate a part of the village of Flint, was read twice, and, on motion of Mr. Cook, was laid on the table.

Mr. Drake, on leave, introduced "a bill to authorize township meetings to adjourn from one place to another," which was read twice and referred to the committee on the judiciary.

On motion of Mr. Bradford, the committee of the whole were discharged from the "bill for the relief of certain settlers on university and state lands," and the same being before the Senate, and the question being on ordering to the third reading,

Mr. Kercheval moved to add to section two, the following :

" Provided, however, That in all cases in which locations or sections for the university or state purposes, shall have been made upon fractional sections, quarter sections or half quarter sections in lieu of and as for entire sections, quarter sections or half quarter sections, and which have been estimated by the United States treasury department, and charged to this state on the said university, (as the case may be) as and for entire sections, quarter sections, or half quarter sections, then and in all such cases, the said fractional sections, quarter sections or half quarter sections shall be deemed and taken, as regards the actual settlers in this act mentioned, as and for entire sections, quarter sections and half quarter sections, and paid and accounted for as such," which was agreed to.

Mr. Bradford moved to substitute "September" for "June," wherever occurring in said bill, which was agreed to.

Mr. Kercheval moved to amend by inserting "eighty acre," after the word "each," in line nine, section one.

Mr. Drake then moved to lay the bill on the table, which was disagreed to, as follows :

#### YEAS.

Mr. Drake,  
Mr. Gidley,

Mr. Trowbridge,

Mr. Woodbridge,



## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,		11

Mr. Drake moved a call of the Senate, which was disagreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,	9

The bill was then ordered to the third reading, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,	9

## NAYS.

Mr. Cook,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,	6

And the bill was thereupon read the third time and passed, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,			10

## NAYS.

Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Trowbridge,		5

Mr. Kercheval called up the bill to amend an act entitled "an act to amend part three, title one, chapter three, revised statutes,"

&c. approved February 8, 1839, and the same being ordered to the third reading, was read the third time and passed.

The bill to legalize acts of supervisors of Allegan, Plainfield and Otsego, &c. was read the third time and passed, with amendments.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 12, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to return to the Senate the bill supplementary to the act entitled “an act to establish the state bank of Michigan,” and respectfully inform them that the House have non-concurred in the amendments of the Senate thereto, and appointed Messrs. Fitzgerald, Hammond and Bacon, a committee of conference thereon.

I am also instructed to transmit to the Senate the following entitled bills, which they have passed, and respectfully ask concurrence therein :

“ A bill to provide for the draining of swamps, marshes, and other low lands.”

“ A bill to provide for the location of the seat of justice in the county of Ottawa.”

“ A bill to repeal the bank of Ypsilanti.”

Also, to return to the Senate the “ bill to change the name of the town of Cady,” which they have passed.

E. J. ROBERTS,

*Clerk House of Representatives.*

And Messrs. Hawkins, Bradford and Wing, were appointed a committee of conference on the supplementary bank bill.

The bill for draining swamps, &c. was read twice and referred to the committee of the whole.

The bill to locate the seat of justice in Ottawa, was read twice and referred to the committee on towns and counties.

And the bill to change the name of Cady, was ordered to be enrolled.

The bill to repeal the bank of Ypsilanti, was read twice and referred to the committee on the judiciary.

Mr. Gordon called up the "bill for the voluntary dissolution of corporations," and the same being ordered to the third reading, was read the third time and passed, with amendment.

The "bill in relation to the Pontiac railroad, (unfinished business,) was taken up, and the question being on Mr. Sumners' motion to lay it on the table, the Senate were equally divided thereon, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	
Mr. Gordon,	Mr. Harrington,	Mr. Sumners,	6

## NAYS.

Mr. Cook,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	6

The President decided in the negative.

On motion of Mr. Drake, said bill was referred to the committee of the whole, by the following vote :

## YEAS.

Mr. Cook,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	6

## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Sumners,	
Mr. Greenly,	Mr. McCamly,		5

Mr. Sumners submitted the following joint resolution, which was read twice :

*Resolved, by the Senate and House of Representatives, That all moneys hereafter appropriated on the northern railroad, shall be expended on the eastern end of said railroad.*

On a motion to refer the same to the committee on internal improvement, the Senate were equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	6

## NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,	Mr. Sumners,	6

And the President decided in the affirmative.

On motion of Mr. McCamly, the committee of the whole were discharged from the bill to authorize Isaac E. Crary, executor, &c. and the same being ordered to the third reading, was accordingly so read, and passed by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,		11

## NAYS.

Mr. Drake,	Mr. Woodbridge,	2
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The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
*April 12, 1839.* }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the “bill and amendments of the Senate thereto, to provide for the assessment and collection of taxes for the year 1838, and for other purposes,” which amendments they have concurred in, with amendments, in which they respectfully ask the concurrence of the Senate.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said bill, with amendments, was referred to the committee of the whole.

The President announced the following communication from the Governor, by his secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }  
*April 12, 1839.* }

*To the Senate :*

In answer to a resolution of the Senate of the eleventh instant, I beg leave to state, that there has been no special contract existing with the Ypsilanti and Tecumseh railroad company, for the payment of the moneys arising from the sale of the state bonds, sold for the benefit of that company. But that in negotiating the

state loan of five millions of dollars, provision was made in the instalments of the first year for the amount due the Ypsilanti and Tecumseh railroad company, and they were so notified—for instance, the amount to be paid on the loan for the first year, was one million three hundred thousand dollars ; the appropriations on the state work for the same period, were one million and fifty thousand dollars, leaving a balance of two hundred and fifty thousand dollars on the instalments, from which the Marshall, and Allegan, and Tecumseh, and Ypsilanti companies were to be paid the amount authorized by law.

S. T. MASON.

And the same was laid on the table, and ordered to be printed.

On motion of Mr. Gordon, the Senate took up the bill for the assessment and collection of taxes for the year 1838, &c. and went into committee of the whole thereon, Mr. Bradford in the chair ; and after a time the committee rose, and reported the bill back to the Senate with a recommendation to concur in certain amendments, and to non-concur in certain other amendments made by the House of Representatives.

The Senate refused to concur in the amendments.

On motion of Mr. Bradford, a committee of conference was ordered thereon.

Whereupon, the President appointed as said committee, Messrs. Bradford, Woodbridge and Gordon.

Mr. Drake moved that the Senate go into committee of the whole, on the bill to provide for purchasing the Detroit and Pontiac railroad, which was agreed to, as follows :

YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		8

NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Gordon,	Mr. Harrington,	Mr. Summers,	6

Whereupon, the Senate went into committee of the whole on

said bill, Mr. Gidley in the chair, and after a time the committee rose, reported progress, and obtained leave to sit again.

On motion of Mr. Greenly, the Senate adjourned.

### AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

Mr. Woodbridge, from the committee on state affairs, to whom was referred the bill to repeal an act entitled "an act to provide for the appointment of a state printer, and prescribing his powers and duties," with Mr. Harrington's substitute, entitled "a bill to amend an act to provide for the appointment of state printer," reported the same back with a substitute as an amendment, entitled "a bill to amend an act entitled 'an act to provide for the appointment of state printer, and to prescribe his powers and duties,' " approved March 3, 1837.

The question being on adopting said substitute,

Mr. Greenly moved the previous question, which was not sustained, as follows :

#### YEAS.

Mr. Gidley,  
Mr. Greenly,

Mr. Hawkins,

Mr. Trowbridge,

4

#### NAYS.

Mr. Bradford,  
Mr. Cook,  
Mr. Curtis,  
Mr. Drake,

Mr. Gordon,  
Mr. Harrington,  
Mr. Kercheval,  
Mr. Kingsley,

Mr. McCamly,  
Mr. Summers,  
Mr. Wing,  
Mr. Woodbridge, 12

The substitute was then adopted, as follows :

#### YEAS.

Mr. Cook,  
Mr. Drake,  
Mr. Gidley,  
Mr. Gordon,

Mr. Greenly,  
Mr. Hawkins,  
Mr. Kercheval,

Mr. Summers,  
Mr. Trowbridge,  
Mr. Woodbridge,

10

#### NAYS.

Mr. Bradford,  
Mr. Curtis,

Mr. Harrington,  
Mr. Kingsley,

Mr. McCamly,  
Mr. Wing,

6

And the bill was thereupon ordered to a third reading, and

having been accordingly so read, the bill passed by the following vote :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,		

10

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,

6

The President announced a message from the Governor, by Mr. Porter, private secretary, as follows :

EXECUTIVE DEPARTMENT, }  
April 11, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

A joint resolution to pay Thomas Beals or his assigns a certain sum of money.

An act to amend an act entitled "an act to incorporate the trustees of the Spring Arbor seminary," passed March 23, 1835.

An act to establish certain township lines in the county of St. Clair, and for other purposes ; and

An act to provide for the more effectual defence of the state against foreign invasion.

S. T. MASON.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 12, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to inform the Senate that they have concurred in the amendments by the Senate to the following entitled bills, and passed the same :

Bill to provide for the voluntary dissolution of corporations.

Bill for the relief of certain settlers on university and state lands.

Also, to inform the Senate that on the difference existing on

the bill "to provide for the apportionment and collection of taxes for eighteen hundred and thirty-eight," they have appointed Messrs. Pond, Goodwin and McKee a committee of conference.

Also, to return to the Senate the bill "supplementary to the act entitled 'an act to establish the state bank of Michigan,' " and respectfully inform the Senate that the House have concurred in all the amendments except the amendment to strike out the fourth section, in which they have non-concurred, and appointed a committee of conference thereon, consisting of Messrs. Little, Acker and Wixom.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill to provide for the voluntary dissolution of partnerships was ordered to be enrolled.

And the bill "supplementary to the act entitled 'an act to establish the state bank of Michigan,' " being under consideration,

Mr. Bradford moved that the Senate do recede from the amendment "to strike out the fourth section," which was disagreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,		

7

NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,	Mr. Trowbridge,	

8

On motion of Mr. Hawkins, a committee of conference was ordered; whereupon the President appointed as said committee, Messrs. Hawkins, Kingsley and Kercheval.

Mr. Bradford moved to reconsider the above vote on receding from the amendment, which was disagreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Cook,	Mr. Kingsley,	Mr. Summers,
Mr. Gordon,		

8



## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	9

Mr. Drake moved that the Senate go into committee of the whole on the bill "to provide for purchasing the Detroit and Pontiac railroad," &c., which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	6

Whereupon, the Senate went into committee of the whole on said bill, Mr. Gidley in the chair, and after a time the committee rose and reported the bill back with amendments.

Mr. Greenly moved to lay the same on the table, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	9

## NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gidley,			7

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
*April 12, 1839.* }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate the following bills, which they have passed, and respectfully ask the concurrence of the Senate therein :

A bill to legalize certain official acts of the county clerks and

their deputies, and of justices of the peace, and to authorize them to administer oaths, &c.

A bill for the regulation of internal improvements, and for the appointment of a board of commissioners.

Also, a bill to amend an act incorporating the village of Romeo, county of Macomb, approved March 9, 1838.

Also, to return the "bill authorizing Isaac E. Crary, executor of the last will and testament of Ezra Convis, to sell certain lands," and respectfully inform the Senate they have passed the same.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill "to legalize certain official acts," &c., was read twice and referred to the committee on the judiciary.

The bill "to amend an act incorporating the village of Romeo," was read twice and referred to the committee of the whole.

And the bill "authorizing Isaac E. Crary," &c., was ordered to be enrolled.

Mr. Hawkins, from the committee of conference on the supplementary bill to establish a state bank, submitted a report thereon, which was concurred in.

Mr. Kingsley, from the committee on internal improvement, reported adverse to the resolution relative to the northern railroad, and the same was laid on the table.

Also, adverse to the joint resolution "relative to Sault Ste. Marie canal."

Same committee also reported in favor of concurring with the House of Representatives in the joint resolution "relative to contractors, third division of central railroad."

Mr. Bradford moved that the Senate take up the bill to change the county seat of Branch, which was not agreed to.

On motion of Mr. Bradford, the committee of the whole were discharged from the bill to amend the acts incorporating the village of Niles, and the same was taken up and ordered to the third reading.

The said bill was then read the third time and passed.

Mr. Wing was excused from serving on the committee of conference on the bill making appropriations to J. S. Bagg, and Mr. Gordon appointed in his place.

On motion of Mr. Hawkins, the Senate went into executive session.

When the doors were opened,

On motion of Mr. Hawkins, the Senate adjourned.

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### SATURDAY, APRIL 13.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Bradford, Cook, Drake and Hawkins, who afterwards appeared and took their seats.

Absent on leave, Mr. Etheridge.

The joint resolution reported back yesterday by the committee on internal improvement, "relative to the contractor on the third division of railroad," was, on motion of Mr. Summers, recommended to said committee.

The president submitted "the certificate of the Secretary of State, shewing the time of absence of Gov. Mason from the state during one thousand eight hundred and thirty-eight," which was referred to the committee on claims.

Mr. Woodbridge, from the committee on state affairs, reported adverse to the passage of the "bill relative to township assessments and the returns thereof," and the same, with bill, was laid on the table.

Mr. Wing, from the committee on the judiciary, reported against the passage of the "bill to legalize the official acts of John Dewey, a justice of the peace," which was laid on the table.

Also, the "bill to repeal the charter of the bank of Ypsilanti," which was laid on the table.

Also, the "bill to authorize township meetings to adjourn from one place to another," which was ordered to the third reading.

Mr. Cook, from select committee, reported certain bills as correctly enrolled.

The President submitted the report of the Secretary of State, the State Auditor and Mr. Hammond, (House of Representatives,) the committee to make a settlement with Michigan state

bank," which was read, referred to the committee on finance and ordered to be printed.

[See Senate Document No. 36.]

The bill "for the regulation of internal improvement and for the appointment of a board of commissioners," received yesterday from the House of Representatives, was read twice, referred to the committee on internal improvement, and ordered to be printed.

The President announced the following message from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 12, 1839. }

*To the President of the Senate :*

Sir: I am instructed by the House of Representatives to return to the Senate the "bill incorporating the St. Philip's college," and respectfully inform the Senate that they have passed the same with amendments, in which they respectfully ask their concurrence.

Also, to transmit to the Senate a "bill to incorporate the Detroit typographical society," which they have passed, and respectfully ask concurrence therein.

Also, a "bill to amend an act to incorporate the Saginaw and Genesee railroad company," which they have passed, and in which concurrence is asked.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill to "incorporate the Detroit typographical society," was read twice, and referred to the committee on incorporations.

The "bill to amend an act to incorporate the Saginaw and Genesee railroad company," was read twice and referred to the committee of the whole.

The act to "incorporate St. Philip's college," was referred, with amendments, to the committee of the whole.

Mr. Greenly, from the committee on state affairs, reported a "bill to amend an act relative to the state geological survey, and repealing an act entitled 'an act to provide for a geological survey of the state,'" which was read twice, when, on motion of

Mr. Gidley, the rules were suspended, and the bill was read the third time and passed.

On motion of Mr. Woodbridge,

*Resolved*, That the Auditor General be directed to report to the Senate whether the annual salary of the Governor of this state was audited, allowed and paid to him for those periods of time during which the Lieutenant Governor performed the duties of Governor ; and if it were so audited, allowed and paid, then that he state the reason or reasons which induced his decision in the premises.

*Resolved further*, That said Auditor be directed to report to the Senate whether any, and if any, what sum or sums may have been audited and allowed to the Governor, or claimed by him, either out of the internal improvement fund or other funds of the state ; and whether such claim or claims have been allowed by the late or present board of internal improvement, or by the Auditor General, or either of them.

Mr. Woodbridge, on leave, introduced a " bill to amend chapter three, title nine, part one, revised statutes," which was read twice and laid on the table.

Mr. Hawkins, on leave, introduced " an act to amend an act to establish the state bank of Michigan, and an act supplementary thereto," which was read twice and referred to the committee of the whole.

Mr. Summers moved that the Senate go into committee of the whole on house " bill relative to Clinton and Kalamazoo canal," which was disagreed to, as follows :

#### YEAS.

Mr. Curtis,	Mr. McCamly,	Mr. Wing,	
Mr. Harrington,	Mr. Summers,		5

#### NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kercheval,		12

Mr. Summers offered the following resolution :

*Resolved*, That all bills shall hereafter be taken up and considered in their regular order.

On laying the same on the table, the Senate was equally divided, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Drake,	Mr. McCamly,		8

And the President decided in the affirmative.

Mr. Bradford moved to go into committee of the whole on the bill relative to proceedings for contempt, on which the Senate were equally divided :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,		8

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		8

The President decided in the negative.

The " bill to authorize township meetings to adjourn from one place to another," was read the third time and passed.

Mr. Summers called up the joint resolution " in relation to the northern railroad."

Mr. Hawkins moved to lay said motion on the table ; whereupon,

Mr. Summers made a question of order, and appealed from the decision of the President thereon, and the President was sustained by the following vote :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,			10

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. McCamly,	Mr. Wing,	6

Mr. Drake moved that the committee of the whole be discharged from the bill providing for the purchase of the Detroit and Pontiac railroad.

Mr. Summers moved to lay said motion on the table, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	6

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			10

The question then recurring on Mr. Drake's motion, the previous question was called and sustained, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,	Mr. McCamly,		11

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Wing,	
Mr. Gordon,			4

Mr. Summers moved to adjourn, which was disagreed to, as follows :

## YEAS.

Mr. Harrington,	Mr. McCamly,	Mr. Summers,	3
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## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Kercheval,	
Mr. Cook,	Mr. Gordon,	Mr. Kingsley,	
Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	12

Mr. Drake's motion was then agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. McCamly,
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Greenly,		10

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,
Mr. Curtis,	Mr. Harrington,	Mr. Wing, 6

The bill as amended by committee of the whole, being before the Senate, the question was on concurring with the following amendment: insert after "at," line eight, section one, the "appraisal of the board of commissioners of internal improvement," which was concurred in, as follows:

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gordon,	Mr. McCamly,	14

## NAYS.

Mr. Harrington,	1
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The second amendment, as follows: add to section one, "provided that said company shall convey to the people of this state, free of charge, all such lands and buildings as may have been donated to said company, for the use and benefit of said road or said company," was further amended, on motion of Mr. Summers, by adding, "to be done under the oath of the president or directors of said company;" the amendment as amended, was then concurred in.

The following amendment was also concurred in: add to fifth section, "nor until said company shall secure the state in the manner and to the extent required by the Auditor General against the payment of all claims for damages sustained by individuals or any association or body politic, by constructing said road or any of its appurtenances."

The amendment to strike out the seventh section was concurred in, as follows:



## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge, 9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,		7

The amendment to strike out "out of any moneys belonging to the internal improvement fund," in section eight, was concurred in, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,
Mr. Cook,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,
Mr. Drake,	Mr. Hawks,	Mr. Wing,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge, 15

## NAYS.

Mr. Summers,	1
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The amendment to strike out in ninth section all after the word "railroad," in the fourth line, was concurred in.

The amendment to strike out all the sixth line in section eleven, after "the," and insert, "president and directors of said railroad," was concurred in.

The amendment to strike out in the second line "acting commissioner on the northern railroad," was concurred in.

The amendment to the sixth line to insert "said railroad," instead of "Bank of Pontiac as created by this act," was concurred in.

The amendment to add to section eleven, "and also to issue and deliver to said company certificates of stock of the denomination and character of those specified in the second section of this act, not exceeding in amount the sum mentioned in the seventh section of this act, first deducting therefrom the sum now due the state from said company for iron or otherwise," was concurred in.

Mr. Summers moved further to amend by inserting as section seven : "The legislature may at any time, by a vote of two-thirds

of each House, alter or amend the charter of the Detroit and Pontiac railroad bank," on which the Senate were equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,		8

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		8

The President decided in the negative.

Mr. Curtis moved further to amend,

Insert in section five, line twelve, after the word "that," the words "now are, or at any time hereafter," and strike out all after the word "Pontiac," in the thirteenth line in section five, to the word "nor," in the seventeenth line, which was not agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	6

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			10

Mr. Harrington moved further to amend as follows : to be inserted after the word "company," in section one, sixth line, "under the act incorporating the same, and also the act amendatory to the same, approved March twenty-six, one thousand eight hundred and thirty-five."

And the same was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	6

## NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Wing,	
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Hawkins,			10

Mr. Summers moved to recommit the bill, as amended, to the committee on the judiciary, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	6

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			10

Mr. Harrington moved further to amend, as follows :

Insert as section 12. " All moneys hereafter to be appropriated on the northern railroad, shall be laid out and expended on the eastern section of the said road, until the same shall be completed, commencing at the eastern end of said road ;" which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	3
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## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	12

On motion of Mr. Wing, the bill was further amended by inserting in the third line, after the word " liabilities," the words " which may be," and by striking out the words in said third line, " at the passage of," and in the fourth line, the words " this act," and inserting " may be outstanding at the time of the purchase of said road by the state."

Mr. Harrington moved to strike out the enacting clause, which was disagreed to, as follows :

## YEAS.

Mr. Harrington,	Mr. Summers,	2
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## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	14
Mr. Gidley,	Mr. Kingsley,		

On motion of Mr. Drake, it was further amended.

The bill was then ordered to the third reading, as follows :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. McCamly,	Mr. Wing,	
Mr. Gordon,			7

Mr. Gordon moved to adjourn, which was not agreed to.

The bill was then read the third time.

Mr. Summers moved to adjourn, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. McCamly,		5

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		11

Mr. Bradford moved to adjourn, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	6

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Greenly,		10

The question on the final passage of the bill being then taken, the Senate were equally divided, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,	Mr. Kingsley,	8

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Harrington,	Mr. Wing,
Mr. Gordon,	Mr. McCamly,	8

And the President decided in the affirmative, and pronounced the bill passed.

Mr. Harrington appealed from the decision of the chair, on the ground that it required a vote of two-thirds, and the decision of the President was sustained, as follows :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gordon,		13

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,
		3

And the bill was thereupon ordered to be engrossed.

Mr. Hawkins submitted the following resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the joint resolution passed April 2d, 1839, in relation to the adjournment of the legislature, be and the same is hereby repealed.

Which was adopted, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,
Mr. Cook,	Mr. Hawkins,	Mr. McCamly,
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Greenly,		10

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Wing,
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge, 6

Mr. Woodbridge gave notice that on Monday he would move that so much of the standing rule of the Senate as prohibits a session in the afternoon of that day, be rescinded.

Mr. Wing submitted the following :

*Resolved, by the Senate,* That during the remainder of the session of this legislature, no bill or motion shall be taken up out of the order prescribed by the rules of the Senate, without the consent of two-thirds of the senators present.

On the motion to lay the same on the table, the Senate were equally divided, as follows :

## YEAS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Hawkins,	Mr. McCamly,	8

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,
Mr. Curtis,	Mr. Greenly,	Mr. Wing,
Mr. Gidley,	Mr. Harrington,	8

And the President decided in the affirmative.

Mr. Bradford submitted the following :

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That they will proceed to the election of a senator of the United States from this state, on Monday, the 15th April, 1839, at eleven o'clock, A. M. and will continue to hold such election from day to day, until the same be effected or be postponed by a concurrent vote of both branches of this legislature.

And the same was laid on the table, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge, 12

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Summers,
Mr. Cook,		4

Mr. Kercheval, in pursuance of notice, moved the Senate to take up for consideration the House joint resolution "relative to elections."

And previous to the question, Mr. Bradford moved to adjourn, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Greenly,	Mr. Kingsley,	5

## NAYS.

Mr. Cook,	Mr. Gordon,	Mr. Trowbridge,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,	Mr. Summers,	11

Mr. Gidley moved to lay the motion to reconsider on the table, which was agreed to.

Mr. Cook, from the committee on towns and counties, reported back the bill to provide for the location of the seat of justice in the county of Ottawa, which was ordered to the third reading.

On motion of Mr. Harrington, the Senate adjourned.

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MONDAY, APRIL 15.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Bradford, Cook, Curtis, Gordon, McCamly, Wing and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Mr. Etheridge.

Mr. Gordon presented the claim of John D. Pierce, for attendance on committee, &c. which was referred to the committee on claims.

Mr. Drake presented the account of Amos Lay, for certain maps, which was referred to the committee on claims.

Mr. Wing, from the committee on the judiciary, reported back the following bills :

"A bill to authorize Mary Ann Whitney to convey real estate," advising against the passage thereof, and said bill was laid on the table.

"A bill to authorize the administrator on the estate of James Riggs, late of the county of Oakland, to convey real estate," advising against the passage thereof, and the question being on ordering the same to the third reading, the same was lost, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Harrington,	Mr. Kercheval,		5

## NAYS.

Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	6

"A bill confirming the conveyance of the trustees of the French catholic church of the city of Monroe, to the Rt. Rev. Frederick Reese, Bishop of Detroit," and the same was ordered to the third reading.

Also, "a bill supplementary to an act for abolishing imprisonment for debt in this state, and punishing fraudulent debtors ;" and the question being on ordering the bill to the third reading, the same was lost.

Mr. Kingsley, from the committee on internal improvement, reported adverse to the adoption of the joint resolution to vary contract on five million loan, &c. and the same was laid on the table.

The President announced the following message from the House of Representatives, by their clerk, Mr. Roberts :



HOUSE OF REPRESENTATIVES, }  
April 15, 1839. }

*To the President of the Senate :*

" Sir :—I am instructed by the House of Representatives to return to the Senate the joint resolution authorizing the Auditor General to draw a certain warrant in relation to the Tecumseh railroad, which has passed the House with an amendment, and in which the concurrence of the Senate is respectfully asked.

Also, certain bills for laying out and establishing certain roads, which have passed the House, and in which the concurrence of the Senate is respectfully requested.

E. J. ROBERTS,  
*Clerk House of Representatives.*

Also, the following :

HOUSE OF REPRESENTATIVE, }  
April 15, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a joint resolution relative to commissioners of appraisal on Ste. Mary's canal, which they have passed, and respectfully ask concurrence therein.

E. J. ROBERTS,  
*Clerk House of Representatives.*

The bills for laying out state roads, &c. were read twice and referred to the committee on roads and bridges.

And the joint resolution authorizing the Auditor General, &c. with amendments, was referred to the committee on internal improvement.

The joint resolution relative to appraisal on Sault Ste. Mary's canal, was read twice and referred to the committee on internal improvement.

The President submitted a communication from the Auditor General, relative to the salary of the Governor, which was read and referred to the committee on claims.

The President announced the following message from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
*April 15, 1839.* }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that the House have concurred in the resolution relative to adjournment, and inserted as a proviso, that both the houses shall adjourn on Wednesday next, the 17th instant.

E. J. ROBERTS,

*Clerk House of Representatives.*

Mr. Gidley offered the following :

*Resolved*, That for the remainder of this session, all questions of order and of reference shall be decided without debate, which was adopted, as follows :

YEAS.

Mr. Drake,	Mr. Greenly,	Mr. Kercheval,	
Mr. Gidley,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gordon,			7

NAYS.

Mr. McCamly,	Mr. Wing,	Mr. Woodbridge,	
Mr. Summers,			4

On motion of Mr. Summers,

*Resolved, by the Senate*, That during the remainder of the session of the legislature, all the business of the Senate shall be taken up and considered in the order prescribed in the rules of the Senate, unless by the consent of two-thirds of the Senate.

The bill to provide for the location of the seat of justice in the county of Ottawa, was read the third time and laid on the table.

The "bill to incorporate the Detroit typographical society," was read the third time and laid on the table.

The bill to authorize the conveyance of the French catholic church in Monroe to Bishop Rese, was read the third time and passed.

On motion of Mr. Greenly, the committee of the whole were discharged from the bill to incorporate St. Phillip's college, and the same as amended by the House, being under consideration, the Senate concurred in said amendments, excepting the amend-

ment to section six, line three ; whereupon, a committee of conference was ordered.

And the President appointed as said committee, Messrs. Kercheval, Woodbridge and Drake.

The committee of the whole were discharged from the bill relative to certain state annual reports, and the same being considered and amended, was ordered to the third reading, and read the third time and passed.

The Senate then went into committee of the whole, on the bill to change Branch county seat, Mr. Kercheval in the chair, and after a time the committee rose, and reported the same back to the Senate, advising concurrence with the amendments made thereto by the committee on state affairs.

Mr. Summers moved to strike out all after the "enacting clause of said bill," which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Harrington,	
Mr. Drake,	Mr. Greenly,	Mr. McCamly,	6

Mr. Summers moved to lay the bill on the table, which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Harrington,	Mr. Wing,	
Mr. Gidley,			10

Mr. Summers then moved to amend, as follows :

"And that the people of the county of Macomb shall have the rights and privileges granted to the people of Branch by this act ;" which was disagreed to, as follows :

## YEAS.

Mr. Greenly,	Mr. Summers,	Mr. Wing,	3
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## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gordon,		10

Mr. Kercheval offered an amendment, as follows :

“ Provided, That if it should be determined by the legislature at their next session, that the county site of said county should be removed, that the people of the county shall be liable for all improvements heretofore made, or to be made before the removal of the same from the present county site.”

Which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,
Mr. Greenly,		10

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Gordon,		4

The bill, as amended, was then ordered to the third reading, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Harrington,
Mr. Cook,	Mr. Gordon,	Mr. McCamly,
Mr. Drake,	Mr. Greenly,	8

## NAYS.

Mr. Curtis,	Mr. Summers,	Mr. Wing,
Mr. Kercheval,	Mr. Trowbridge,	Mr. Woodbridge,
Mr. Kingsley,		7

And the said bill was thereupon ordered to be engrossed for final reading.

The committee of the whole were discharged from the bill to legalize the acts of the trustees of the first Presbyterian society of Troy, &c. and the same having been ordered to the third reading, was read the third time and passed.

The committee of the whole were discharged from the “bill to

legalize the late township meeting in the township of Holly," &c., and the same having been ordered to the third reading, was read the third time and passed.

The committee of the whole were then discharged from the bill to provide for the payment of certain claims therein mentioned, and the same being under consideration, was amended,

By striking out in line fourteen, "one hundred," and inserting "seventy-five."

And by striking out lines "seventeen, eighteen, nineteen, and twenty," relating to Cornelius W. Mitchell.

And by striking out "forty-two dollars," in line twenty-four, and inserting "seventy-two dollars and seventy-five cents."

And by striking out all after "1838," in lines twenty-two and twenty-three.

Mr. Curtis moved to strike out in line twenty-one, the word "five," and insert "three," which was disagreed to, as follows:

#### YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Harrington,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	6

#### NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,	9

On allowing the claim of Hiram Alden, the vote was about to be taken, when the Senate took a recess until half past two o'clock, P. M.

#### SESSION AFTER RECESS.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

The question being on the amendment allowing Hiram Alden's claim, it was agreed to.

The bill was further amended, on motion of Mr. Gordon, by adding to line seven, "and also for fuel and lights furnished for the use of the said courts."

And the bill was then ordered to be engrossed for final reading.

The Senate took up the joint resolution to rescind resolution of adjournment, with the proviso thereto by the House.

Mr. Hawkins moved to amend said proviso by striking out "Wednesday, the 17th," and inserting "Friday, the 19th," which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	6

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,	
Mr. Gidley,	Mr. Kercheval,	Mr. Summers,	
Mr. Gordon,			7

Mr. Hawkins moved to lay the resolution and proviso on the table, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Harrington,	Mr. McCamly,		8

## NAYS.

Mr. Gidley,	Mr. Greenly,	Mr. Kingsley,	
Mr. Gordon,			4

The Senate then went into committee of the whole, Mr. Greenly in the chair, on the "bill to locate the branches of the state bank," and after a time the committee rose, reported progress, and asked leave to sit again, which was not granted, and the committee were discharged.

The same being before the Senate,

Mr. Summers moved to refer the bill to a select committee, to consist of one from each senatorial district, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Greenly,			13

## NAYS.

Mr. Drake,	Mr. Gidley,	Mr. Hawkins,	3
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And the President appointed as said committee, Messrs. Summers, Drake, Kercheval, Wing, Kingsley, Bradford and Gordon.

The Senate then went into committee of the whole on the House bill to provide for draining marshes, swamps, &c., Mr. Cook in the chair, and after a time the committee rose, and reported the bill back to the Senate, and the committee were discharged.

On motion of Mr. Curtis, the bill was referred to the committee on the judiciary.

The Senate then went into committee of the whole, Mr. Kingsley in the chair, on the bill to prescribe "proceedings as for contempts," and after a time the committee rose, and having reported the bill back, were discharged therefrom.

Mr. Drake moved to lay the bill on the table, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gidley,			7

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Kercheval,	
Mr. Gordon,	Mr. Harrington,	Mr. McCamly,	6

On motion of Mr. Wing, the committee of the whole were discharged from the bill to amend "an act incorporating the village of Romeo," county of Macomb, approved March 9, 1838, and the same was laid on the table, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge,	9

## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. McCamly,	Mr. Wing,	
Mr. Gidley,			7

The Senate then went into committee of the whole, Mr. Wood-

bridge in the chair, on the bill to regulate sales at auction, &c., and after a time the committee rose, and having reported the bill back to the Senate, were discharged therefrom.

And the bill was ordered to the third reading.

The bill was then, on motion, read a third time and passed.

Mr. Harrington moved that the Senate take up the bill authorizing a loan to the St. Clair and Romeo railroad company, on which the vote was as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Hawkins,	
Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Drake,	Mr. Harrington,		8

## NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. McCamly,		5

And the majority not being two-thirds of the whole, said bill, under the resolution adopted this morning, remained on the table.

The Senate went into committee of the whole, Mr. Bradford in the chair, on the bill for the government and discipline of the state prison, and after a time the committee rose, and having reported the bill back to the Senate, were discharged therefrom.

And the bill having been ordered to the third reading, was read the third time and passed.

On motion of Mr. Drake, the Senate took up the joint resolution relative to the adjournment of the legislature, as amended by the House, and concurred in the proviso, and the joint resolution was ordered to be enrolled.

The committee of the whole were discharged from the bill to authorize the removal of certain convicts in the jail of Berrien county, to the state prison, and the same was indefinitely postponed.

The Senate went into committee of the whole, Mr. Wing in the chair, on the bill supplementary to "an act authorizing the building of the state penitentiary," and after a time the committee rose, and reported the bill back, with sundry amendments.

The amendment to the fifth line of the first section, by striking out "one hundred," and inserting "thirty," was further amended by



substituting "forty," and the amendment as amended, was concurred in. Pending discussion on the other amendments, the bill was, on motion of Mr. Bradford, recommitted to the committee on the judiciary.

The Senate took a recess until seven o'clock.

### EVENING SESSION.

*Half past seven o'clock, P. M.*

The Senate met, and was called to order by the President.

On motion of Mr. Kingsley, the committee of the whole were discharged from the bill "to amend an act to incorporate the Saginaw and Genesee railroad company."

And the same being before the Senate,

Mr. Kingsley moved to strike out the words "or other securities," in section one, line five, which was agreed to.

Mr. Cook moved to reconsider the above vote, but the Senate disagreed thereto.

On motion of Mr. Bradford, the bill was further amended by inserting the following as an additional section :

Section Nothing in this act contained shall be construed to confer on said company banking powers, or in any way to authorize them to issue bills for a circulating medium.

On motion of Mr. Summers, the bill was further amended by the following additional section :

Section The legislature shall have power at any time to alter, amend or repeal this act.

And the bill was ordered to the third reading, and having been so read, the vote on the passage thereof was as follows :

#### YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Kercheval,
Mr. Cook,	Mr. Greenly,	Mr. Kingsley,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,

9

#### NAYS.

Mr. Gordon,	Mr. McCamly,	Mr. Wing,
Mr. Harrington,	Mr. Summers,	

5

And the same not being a majority of two-thirds, the said bill was lost.

The Senate went into committee of the whole, Mr. Harrington

in the chair, on the bill "more effectually to protect the public against various frauds," and after a time the committee rose, and having reported the bill back to the Senate, were discharged therefrom.

And the same being before the Senate,

Mr. Harrington moved to amend the second section by inserting in section two, line seven, after "felony," "and shall be fined in any sum not exceeding ten thousand dollars, and be confined in the state prison not more than ten, nor less than one year," which was agreed to.

On motion of Mr. Harrington, the bill was further amended by inserting in section five, line three, after "1839," the words "and the act amendatory thereof."

The bill was then ordered to the third reading, and having been so read, duly passed as amended, by a majority of two-thirds.

The Senate then took up the bill to amend the revised statutes, and to supply certain omissions therein.

The question being on the amendments by the committee of the whole thereto attached, the same were all concurred in.

Sundry other amendments were made to the bill.

On motion of Mr. Harrington, on the following the yeas and nays were taken :

Add after "defendant," twenty-fifth line, section one hundred and twenty-eight, "the chancellor shall have power to appoint a clerk, and prescribe his duties, who shall hold his office during the pleasure of the chancellor. He shall receive an annual salary of

dollars, to be audited on the certificate of the chancellor, and paid quarter yearly out of the state treasury ;" and resulted as follows :

YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Kercheval,	
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Harrington,	Mr. Wing,	9

NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. Kingsley,	
Mr. Gidley,			4

Mr. Drake offered the following :

That upon the foreclosure of mortgages in chancery, it shall not be lawful for the chancellor to order or decree any lands to be sold at a period less than two years and three months from and after the time of filing the bill of foreclosure, excepting in cases of mortgages given to secure the purchase money of the premises mentioned in the mortgage ; in which case, no sale shall take place at a period less than one year and three months from the filing of the bill of foreclosure.

Which was agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Drake,			10

NAYS.

Mr. Gordon,	Mr. Harrington,	Mr. Wing,	
Mr. Greenly,	Mr. Kercheval,		5

On motion of Mr. Gordon, the above vote was reconsidered ; whereupon,

Mr. Gordon moved to amend the amendment offered by Mr. Drake, by inserting after the word " mortgages," in the first line, the words " hereafter to be executed," which was not agreed to, as follows :

YEAS.

Mr. Gordon,	Mr. Harrington,	Mr. Wing,	
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge,	6

NAYS.

Mr. Bradford,	Mr. Drake,	Mr. Kingsley,	
Mr. Cook,	Mr. Gidley,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	9

And the amendment by Mr. Drake was then agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Drake,			10

NAYS.

Mr. Gordon,	Mr. Harrington,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Kercheval,		5

Mr. Bradford moved to amend as follows : amend section thirteen of chapter three of title five of part two, page three hundred and twenty-five, by striking out the words "one year," and inserting the words "two years."

Which was agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Cook,	Mr. McCamly,	Mr. Wing,	
Mr. Curtis,	Mr. Summers,		8

NAYS.

Mr. Gordon,	Mr. Harrington,	Mr. Kingsley,	
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge,	6

Also to amend as follows : amend section sixteen, chapter three, title five, part two, page three hundred and twenty-five, by striking out in the first line the words "one year," and inserting "two years."

Which was agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Summers,	
Mr. Cook,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Curtis,	Mr. McCamly,	Mr. Wing,	9

NAYS.

Mr. Gordon,	Mr. Harrington,	Mr. Kercheval,	
Mr. Greenly,	Mr. Hawkins,	Mr. Woodbridge,	6

Also to amend section seventeen, same chapter, title, part and page, by striking out "one year," in third line, and inserting "two years."

Which was agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Summers,	
Mr. Cook,	Mr. Gidley,	Mr. Wing,	
Mr. Curtis,	Mr. McCamly,		8

## NAYS.

Mr. Gordon,	Mr. Harrington,	Mr. Kercheval,
Mr. Greenly,	Mr. Hawkins,	Mr. Woodbridge, 6

On motion of Mr. Wing, the further amendments to the bill were adopted.

Pending discussion,

On motion of Mr. Woodbridge, the Senate adjourned.

## TUESDAY, APRIL 16.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Gordon, Kercheval and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Mr. Etheridge.

Mr. Curtis, from the committee on roads and bridges, reported back the bill "to authorize the laying out of certain state roads," and the same was ordered to the third reading.

Mr. Cook from the committee on towns and counties, reported with amendment to section two, a bill to organize a certain township, which amendment being concurred in, the bill as amended, was ordered to the third reading.

Also, the bill "to change the name of Hartford to Lima," which was read twice and laid on the table.

Mr. Drake, on leave, introduced a bill "for the relief of David Brown and Samuel Clark," which was read twice and ordered to the third reading.

The President announced a message from the House of Representatives by their acting clerk, Mr. Porter, as follows:

HOUSE OF REPRESENTATIVES, }  
 April 15, 1839. }

*To the President of the Senate:*

I am directed by the House of Representatives to transmit to the Senate a bill to "provide for regulating the terms of circuit courts in certain counties, and for other purposes," which has passed the House, and the concurrence of the Senate is respectfully requested thereto.

Also, a bill "to amend an act entitled an act to incorporate the mechanics' society of Detroit," and a bill to attach a certain tract of country to the county of Ottawa for judicial purposes, which have severally passed the House, and the concurrence of the Senate is respectfully requested thereto.

S. HUMES PORTER,

*Acting Clerk House of Representatives.*

The bill for "regulating terms of circuit courts," was read twice and referred to the committee of the whole.

The bill relative to the mechanics' society of Detroit, was read twice and ordered to the third reading.

The bill relative to the county of Ottawa, was read twice and ordered to the third reading.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 16, 1839.

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to transmit to the Senate a "joint resolution in relation to the suspension of the tenth joint rule of the Senate and House of Representatives," which they have passed, and respectfully ask concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the said joint resolution was concurred in and adopted.

The President announced a message from the House of Representatives through their acting clerk, Mr. Porter, as follows :

HOUSE OF REPRESENTATIVES, }  
April 15, 1839.

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the bill from the Senate to incorporate the Berrien county mutual insurance company, which has passed the House with amendments, and the concurrence of the Senate is respectfully asked thereto.

Also, a bill to increase the capital stock of the Gibraltar and Flat rock company, and a bill to amend an act entitled an act to

incorporate the Grand Rapids bridge company, which have passed the House, and the concurrence of the Senate is respectfully asked thereto.

S. HUMES PORTER,

*Acting Clerk House of Representatives.*

And the amendments to the bill incorporating the Berrien county mutual insurance company, were concurred in, and the bill as amended was passed and ordered to be enrolled.

The bill to increase the stock of the Gibraltar and Flat rock company, was read twice and ordered to the third reading.

The bill relative to Grand rapids bridge company, was read twice and ordered to the third reading.

The President announced a message from the House of Representatives, by their acting clerk, Mr. Porter, as follows :

HOUSE OF REPRESENTATIVES, }  
April 15, 1839.

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to transmit to the Senate a bill to authorize the commissioners of internal improvement to alter the location of the southern railroad between the villages of Centreville and Niles, which has passed the House, and the concurrence of the Senate is respectfully asked thereto.

S. HUMES PORTER,

*Acting Clerk House of Representatives.*

And the bill to alter location of the southern railroad, was read twice and referred to the committee on internal improvement.

The following message was received from the House of Representatives, by their clerk, Mr. Roberts.

HOUSE OF REPRESENTATIVES, }  
April 12, 1839.

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the bill to amend an act entitled an act to provide for the appointment of state printer, and to prescribe his powers and duties, and respectfully inform them that they have adopted a substitute therefor, which is herewith transmitted, to come in after the enacting clause, and in which they respectfully ask the concurrence of the Senate.

Also, to inform the Senate that the House have receded from the amendment to the bill to incorporate St. Philip's college, and passed the same, and the bill is herewith transmitted.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill (substitute to state printer's bill,) was referred to committee of the whole.

The bill to incorporate St. Philip's college, was ordered to be enrolled.

The following message was received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 15, 1839.

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to return to the Senate the bill to authorize township meetings to adjourn from one place to another, and inform them that the same has passed the House.

Also, the bill for the relief of Calvin C. Parks and others, which has passed the House with amendments, in which the concurrence of the Senate is respectfully requested.

Also, an act further to amend an act entitled an act to amend an act entitled an act to incorporate the village of Niles, and the act or acts amendatory thereof, which has also passed the House.

Also, the bill to provide for the apportionment of a fine assessed in Berrien county among the school districts in said county, which has passed the House.

Also, a "joint resolution proposing a certain amendment to the constitution of the state of Michigan," and,

"A joint resolution relative to procuring a book case for the library," which have passed the House, and in which they respectfully ask the concurrence of the Senate.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill to authorize town meetings, &c., was ordered to be enrolled.

The bill for the relief of C. C. Parks and others, was read



twice and referred, with amendments, to the committee of the whole.

The act to amend the acts incorporating Niles, was ordered to be enrolled.

The bill relative to several school districts in Berrien county, was read twice and ordered to the third reading.

The joint resolution proposing amendment to constitution, was read and lost on the final vote.

The joint resolution relative to procuring bookcase for library, was read twice and ordered to the third reading.

The following message was received from the House of Representatives, by their acting clerk, Mr. Porter :

HOUSE OF REPRESENTATIVES, }  
April 15, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate the joint resolution relative to going into an election for a United States Senator, which has passed the House, and the concurrence of the Senate is respectfully requested thereto.

S. H. PORTER,

*Acting Clerk House of Representatives.*

And the joint resolution was read twice and a motion was made to lay the same on the table, which was disagreed to, as follows :

#### YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,		

7

#### NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Wing,
Mr. Curtis,	Mr. Kingsley,	

8

It was then moved to refer the same to the committee of the whole, on which the Senate were equally divided, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		8

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Curtis,	Mr. Kingsley,		8

And the President decided in the negative.

The joint resolution was then, by order, read the third time, and concurred in, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	9

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,			7

The following message was received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 15, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to transmit to the Senate,

A bill to provide for the recording of township plats, and for vacating the same in certain cases.

A bill to incorporate the Adrian insurance company, and

A bill amendatory of part one, title seven, chapter one, of the revised statutes, relative to the inspection of provisions.

Which have severally passed the House, and the concurrence of the Senate is respectfully requested thereto.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill for recording town plats, &c., was read twice and referred to the committee on towns and counties.

The bill to incorporate the Adrian insurance company, was read twice and ordered to a third reading.

The bill relative to inspections of provisions, was read twice and ordered to the third reading.

The President announced three messages from the Governor, by Mr. Porter, his private secretary, one on executive business, the others as follows :

EXECUTIVE DEPARTMENT, }  
April 15, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act supplementary to the act entitled an act to establish the state bank of Michigan.

An act to change the name of the township of Cady, in the county of Calhoun.

An act to authorize Isaac E. Crary, executor of the last will and testament of Ezra Convis, to sell certain lands.

An act to provide for the voluntary dissolution of corporations and to prescribe the duties of receivers' in chancery in certain cases, and for other purposes

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 16, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act relative to trunks, baggage and other unclaimed personal property.

An act to legalize certain acts of the supervisors of the townships of Allegan, Fairfield and Otsego, in the county of Allegan, and for other purposes.

An act to incorporate Marshall college.

An act relative to certain state annual reports.

An act confirming the conveyance of the trustees of the French catholic church of Monroe, to the right reverend Frederick Rese, bishop of Detroit.

S. T. MASON.

On motion of Mr. Kercheval, the twenty-second rule of order was suspended; whereupon,

The Senate took up the joint resolution, (House of Representatives,) "relative to elections," reconsidered the vote thereon, and the same was read the third time, and passed, as follows:

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge, 12

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Cook,		4

The Senate, on motion, agreed to reconsider the vote on "Saginaw and Genesee railroad company bill."

The Senate took up the resolution relative to E. Lothrop, and the same was passed, by the following vote:

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kercheval,	Mr. Wing,
Mr. Greenly,	Mr. McCamly,	11

## NAYS.

Mr. Gidley,	Mr. Woodbridge,	2
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Mr. Gordon, from the committee on claims, reported the House joint resolution, relative to the fifteen thousand dollar draft, which was thereupon adopted by the Senate, with the amendment made thereto by the House.

Also, a "bill to erect dam of Flint river;" ordered to a third reading.

Also, a bill to pay certain claims therein mentioned, which was read and referred to the committee of the whole.

The joint resolution in relation to the Ypsilanti and Tecumseh railroad was taken up and passed, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gordon,	Mr. Kingsley,	14

## NAYS.

Mr. Drake,	Mr. Summers,	2
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Mr. Hawkins, from the committee on incorporations, reported on resolution of instruction relative to the Michigan state bank, which report was read, and the same, with documents, was laid on the table, and ordered to be printed.

The following bills were read a third time and passed :

A bill to provide for the payment of certain claims therein mentioned.

A bill amendatory of part one, title seven, chapter one, of the revised statutes, relative to the inspection of provisions.

A bill to incorporate the Adrian insurance company.

A bill to attach a certain tract of country to the county of Ottawa for judicial purposes.

A bill to amend an act entitled an act to incorporate the mechanic's society of Detroit.

A bill to provide for the apportionment of a fine assessed in Berrien county, among the several school districts in said county.

A bill to increase the capital stock of the Gibraltar and Flat Rock company.

A bill to amend an act, entitled an act to incorporate the Grand Rapids bridge company.

A bill for the relief of David Brown and Samuel Clark.

A bill to authorize the building of a certain dam therein named.

A bill to organize a certain township, with amendments.

The joint resolution to purchase book case for library, was amended, by striking out two hundred and fifty dollars, and inserting one hundred dollars. Also, by inserting "the same to be paid for out of the moneys appropriated for the increase of the library," and then, as amended, passed the Senate.

The bill relative to the county seat of Branch county, was read the third time and laid on the table.

The bill to establish certain state roads, was read the third time, and pending the consideration of the Senate thereon,

On motion of Mr. Drake, the Senate adjourned.

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### AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

Mr. Kercheval, from the standing committee, reported certain bills, &c., as correctly enrolled.

Mr. Harrington, from the same committee, made a similar report.

The Senate resumed the consideration of the bill to provide for laying out certain state roads.

Sundry amendments having been made, said bill, as amended, passed the Senate.

Mr. Gordon, from the committee of conference on the bill making appropriations to John S. Bagg, reported that the committee thereon could not agree; whereupon, the committee were discharged.

And the said bill being before the Senate,

Mr. Harrington moved to amend the House amendment as follows: by striking out in line four of the amendment made in the House, the words "eight hundred and seventy-five," and insert in lieu thereof, the words "seventeen hundred and fifty," and also by striking out the word "ten," in line five, and insert in lieu thereof the word "twenty," which was not agreed to.

Mr. Gidley then moved to strike out all after "insert," in the amendment of the House to the Senate's amendment, to the word "each," inclusive, and insert "two thousand dollars," which was agreed to, as follows:

### YEAS.

Mr. Curtis,  
Mr. Drake,  
Mr. Gidley,

Mr. Gordon,  
Mr. Hawkins,  
Mr. Summers,

Mr. Trowbridge,  
Mr. Wing,  
Mr. Woodbridge, 9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	
Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	6

And the bill then passed as amended.

The President announced the following message from the Governor, by his secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }  
April 16, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

A joint resolution relative to the election of United States senator.  
S. T. MASON.

Mr. Summers, from the committee of conference on the bill "to provide for the payment of the expenses of a survey of a railroad from Centerville to Niles," reported the following :

Insert after the word "fund," in the third line from the bottom, "appropriated on the southern railroad;" also, strike out the balance of the same line.

And said report was concurred in, and the bill passed as amended.

Mr. Bradford, from the committee of conference on the bill "to provide for the assessment and collection of taxes for eighteen hundred and thirty-eight," &c., submitted a report thereon, which was concurred in.

The Senate took up for consideration the bill to amend the revised statutes, and to supply certain omissions therein, and sundry amendments having been made, said bill was ordered to be engrossed for the third reading.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 16, 1839. }

*To the President of the Senate :*

Sir—I am directed by the House of Representatives to transmit to the Senate the resolution relative to the election of Alpheus Felch as United States senator, which has passed the House, and the concurrence of the Senate is respectfully requested thereto.

*Resolved*, (the Senate concurring herein,) That Alpheus Felch be and he is hereby nominated and appointed by the legislature of this state to the office of senator in the congress of the United States, to fill the vacancy occasioned by the expiration of the term of Mr. Lyon on the fourth of March last.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the same being under consideration,

Mr. Harrington offered the following amendment: strike out all after the word "resolved," and insert as follows: "by the Senate and House of Representatives of the state of Michigan, (the House concurring herein,) That Warner Wing be and he is hereby declared duly elected senator in congress of the United States, in place of Lucius Lyon, whose term of office has expired."

Pending discussion thereon,

On motion of Mr. Gidley, the whole subject was laid on the table by the following vote:

#### YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kercheval,		8

#### NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kingsley,	Mr. Summers,	
Mr. Greenly,			7

Mr. Kingsley, from the committee on internal improvement, reported back the following bills:

A bill for the regulation of internal improvement, and for the appointment of a board of commissioners; which was referred to the committee of the whole.

A bill to authorize the commissioners of internal improvement to alter the location of the southern railroad between the village of Centerville and Niles; which was referred to the committee of the whole.

A bill to incorporate the Dexter branch canal company; which was referred to the committee of the whole.

A joint resolution relative to Sault Ste. Marie canal, which



was ordered to the third reading, and having been so read, passed, as follows:

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Summers.
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kercheval,	Mr. Woodbridge, 9

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,
Mr. Drake,	Mr. Kingsley,	5

On motion of Mr. Harrington,

*Resolved*, That the secretary of the Senate is hereby authorized to employ one or more assistant engrossing clerks, as shall be necessary, for the remaining part of this session.

The Senate went into committee of the whole, Mr. Greenly in the chair, on the bill "for the regulation of internal improvement, and for the appointment of a board of commissioners," and after a time the committee rose, reported progress, and obtained leave to sit again.

Mr. Gordon, from the committee on the judiciary, reported back the bill supplementary to an act to provide for building the state penitentiary, with certain amendments, which were agreed to, and the bill was ordered to be engrossed for the third reading.

On motion of Mr. Summers, the committee of the whole were discharged from the bill to amend an act to provide for the appointment of a state printer, &c., with the substitute from the House of Representatives.

Mr. Cook, from the committee on towns and counties, reported a bill "to organize a township in the county of Genesee," which was read twice and referred to the committee of the whole.

Mr. Cook, from the committee on the militia, reported an act supplementary to an act entitled "an act to organize the militia," which was read twice and referred to the committee of the whole.

Mr. Drake, on leave, introduced a bill in relation to highways, which was read twice, ordered to the third reading, was so read and passed.

Mr. Harrington, from the standing committee, reported certain bills as correctly enrolled.

On motion of Mr. Woodbridge, the Senate adjourned.

## WEDNESDAY, APRIL 17.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Bradford, Cook, McCamly, Trowbridge and Woodbridge, who afterwards appeared and took their seats.

Absent on leave, Mr. Etheridge.

Mr. Wing, from the committee on the judiciary, reported a bill to authorize the Secretary of State to sell a certain number of the revised statutes, which was read twice and ordered to the third reading, and was so read and passed.

Also, "a bill to provide for the draining of swamps, marshes, and other low lands," with an amendment to the sixth section, which having been concurred in, said bill, as amended, was read the third time and passed.

Mr. Kingsley submitted a joint resolution appointing the Auditor General, Secretary of State, A. G. Hammond, (House of Representatives,) and Jonathan Kearsley, commissioners to perfect the settlement on behalf of the state with the Michigan state bank, which was read twice and ordered to the third reading.

The President announced two messages from the Governor, by his secretary, Mr. Porter, one on executive business, the other as follows:

EXECUTIVE DEPARTMENT,  
April 16, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act regulating sales at auction, and for other purposes.

An act more effectually to protect the public against various frauds.

A joint resolution authorizing the Auditor General to audit accounts of E. H. Lothrop.

An act to incorporate St. Philip's college.

An act to authorize township meetings to adjourn from one place to another.

An act further to amend an act entitled "an act to amend an

act to incorporate the village of Niles, and the act or acts amendatory thereof."

A joint resolution to authorize the Auditor General to draw a certain warrant.

S. T. MASON.

Mr. Cook, the tenth rule being suspended, introduced a bill entitled "an act to legalize township meetings for the year 1839," which was read, and referred to the committee of the whole.

On motion of Mr. Kercheval, the bill concerning the apportionment of the common school and library funds, and for other purposes, was taken up, and referred to the committee of the whole.

On motion of Mr. Bradford, the Senate took up the bill to authorize a loan to the White Pigeon beet sugar company, and the amendments thereto by the committee on the judiciary were concurred in.

Further amendments having been made thereto, the bill was ordered to the third reading, and having been so read, passed.

Mr. Bradford moved to rescind the resolution of order, requiring the concurrence of two-thirds to take up bills, &c. for consideration, which was disagreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Curtis,	Mr. Harrington,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	6

NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,	9

Mr. Drake offered the following resolution, which was read twice, and ordered to the third reading :

*Resolved*, That the officers of the legislature be authorized to receive each one copy of the revised laws, and each one copy of the session laws of 1838. Also, that the members and officers of the legislature be entitled to receive each one copy of the laws of the session of 1839, and one copy each of the journals and documents.

Mr. Summers, from the select committee to locate branches of the state bank, reported back the "act to amend the act to esta-

blish the state bank of Michigan, and the act supplementary thereto," with amendments, to fill the blanks therein, as follows: Detroit, Wayne; Monroe, Monroe; Adrian, Lenawee; Ann Arbor, Washtenaw; Niles, Berrien; Grand Rapids, Kent; Pontiac, Oakland; Utica, Macomb; Marshall, Calhoun.

The Senate concurred with the report of the select committee as to filling the first fourteen blanks as above, commencing with "Detroit," and ending with "Oakland."

The question on filling the fifteenth blank with "Utica," was decided in the negative, as follows:

## YEAS.

Mr. Cook,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,			4

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. McCamly,	
Mr. Greenly,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Harrington,	Mr. Kingsley,		8

Mr. Summers moved to fill said blank with "Mt. Clemens," which was agreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Cook,	Mr. Summers,	Mr. Woodbridge,	6

## NAYS.

Mr. Drake,	Mr. Harrington,	Mr. Kingsley,	
Mr. Greenly,	Mr. Hawkins,		5

On motion of Mr. Harrington, the Senate agreed to reconsider the vote on "Mt. Clemens," by the following vote:

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Hawkins,	
Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,	
Mr. Drake,	Mr. Harrington,	Mr. McCamly,	
Mr. Gidley,			10

## NAYS.

Mr. Cook,	Mr. Summers,	Mr. Trowbridge,	
Mr. Kercheval,			4

The question thereon being again taken, was decided in the affirmative, as follows :

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Cook,	Mr. McCamly,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,			10

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Hawkins,	
Mr. Drake,	Mr. Harrington,	Mr. Kingsley,	6

The sixteenth blank was then filled with "Maccomb."

The vote on filling the seventeenth blank with "Marshall," was as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Wing,	
Mr. Curtis,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		8

## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,		8

And the president decided in the affirmative, and the eighteenth blank was filled with "Calhoun."

The report of the committee having been disposed of,

Mr. Gidley moved to reconsider the vote on filling the eleventh blank with "Grand Rapids," which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,			10

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Cook,	Mr. McCamly,		5

The question then recurring on filling said blank with "Grand Rapids," the same was negatived, as follows :

## YEAS.

Mr. Bradford,	Mr. Drake,	Mr. McCamly,	
Mr. Cook,	Mr. Gordon,	Mr. Summers,	6

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,			10

On motion of Mr. Gidley, said blank was filled with "Jackson," by the following vote :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,	Mr. Woodbridge,	12

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Summers,	
Mr. Drake,			4

And the blank was then filled with Jackson.

Mr. Harrington moved to strike out all after the enacting clause, which was not agreed to.

Mr. Harrington moved to suspend the rule of the Senate prohibiting more than one reconsideration, on which the vote being as follows, not two-thirds, the motion was lost.

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,			10

## NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	6

Mr. Harrington moved to reconsider the foregoing vote to fill blank with "Niles," which was agreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Harrington,	Mr. Wing,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Curtis,		

7

And the question recurring thereon, the same was agreed to as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,
Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,	Mr. Kingsley,	

14

## NAYS.

Mr. Harrington,

1

Mr. Harrington moved to reconsider the vote on filling the blank with "Pontiac," which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Gidley,	Mr. Harrington,
Mr. Drake,	Mr. Gordon,	

5

## NAYS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Cook,	Mr. Kingsley,	Mr. Wing,
Mr. Greenly,	Mr. McCamly,	Mr. Woodbridge,
Mr. Hawkins,	Mr. Summers,	

11

The said bill was then ordered to the third reading, and on motion, was thereupon read the third time and passed.

Mr. Kercheval moved that the Senate go into committee of the whole on the bill regulating terms of circuit courts in certain counties, on which the vote being as follows, not two-thirds, the motion was lost.

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Kingsley,
Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,
Mr. Gidley,	Mr. Kercheval,	

11

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Summers,	
Mr. Harrington,			4

Mr. Bradford moved to take up for consideration the joint resolution (from the House of Representatives,) appointing Alpheus Felch United States senator, on which the vote being as follows, not two-thirds, the motion was lost.

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	9

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	6

Mr. Bradford then moved to rescind the resolution adopted by the Senate, requiring a concurrence of two-thirds to take up matters for consideration, on which the vote being as follows, not two-thirds, the motion was lost.

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	9

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	6

Mr. Bradford then moved that the Senate take up for consideration the joint resolution (House of Representatives,) appointing Alpheus Felch United States senator, on which the Senate were equally divided, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Kingsley,	Mr. Summers,	
Mr. Curtis,			7

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,			7



And the President decided in the negative.

The following message was received from the House of Representatives, by their clerk, Mr. Roberts:

HOUSE OF REPRESENTATIVES, }  
April 17, 1839. }

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to transmit to the Senate "a bill to provide for the assessment and collection of taxes for 1838, and for other purposes," and to inform the Senate that the House have concurred in the report of the committee of conference, and passed the bill.

E. J. ROBERTS,

*Clerk House of Representatives.*

The Senate, on motion, went into committee of the whole, Mr. Gidley in the chair, on the bill to regulate the terms of circuit courts in certain cases, &c. and after a time the committee rose, and reported the same back to the Senate, with amendments, which having been concurred in, the bill was ordered to the third reading, and on motion, the same was read the third time and passed.

On motion of Mr. Gordon,

The Senate went into executive session.

When the doors were opened,

On motion of Mr. Woodbridge, the Senate adjourned.

#### AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

The following were read the third time and passed:

A bill supplementary to an act authorizing the building of the state penitentiary.

A joint resolution relative to distributing to members of the legislature, and others, certain laws and documents.

A joint resolution to extend the time for the settlement with the Michigan state bank, and to increase the powers of the commissioners charged with that duty.

The bill "to amend the revised statutes, and to supply certain omissions therein," was read the third time, when,

Mr. Harrington moved to fix the salary of the chancellor's clerk, (left blank in section one hundred and twenty-eight,) at six hundred dollars.

Mr. Woodbridge moved to strike out all in said section relating to the appointment of a clerk to the chancellor, which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Summers,
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Wing.
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge, 12

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Harrington, 3
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The bill was then, as amended, passed.

The Senate went into committee of the whole, Mr. Greenly in the chair, on the bill "for the regulation of internal improvements, and for the appointment of a board of commissioners," and after a time the committee rose and reported the bill back to the Senate with amendments, as follows : amend section thirteen, eighth line, (written bill) by substituting "the" for "their ;" and amend section fourteen, (written bill) lines two and five, by striking out "agent."

Which amendments were concurred in, and the bill as amended being before the Senate,

Mr. Drake moved to amend the same by striking out the twenty-fourth section.

Mr. Cook moved a call of the Senate, which having been ordered,

Messrs. Harrington and Summers were absent.

On motion of Mr. Greenly, the sergeant-at-arms was directed to procure the attendance of the absentees.

The question being taken on the amendment to strike out the twenty-fourth section, the same was disagreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge, 6

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kercheval,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	9

Mr. Hawkins moved to amend section twenty-four, by adding thereto,

*Provided also,* That any person or persons considering themselves aggrieved by the decision of the commissioners, under the provisions of this section, shall have a right to appeal to the next term of the circuit court of the county where the premises are situated, and have the same assessed by a constitutional jury.

Which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Summers,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Harrington,			13

## NAYS.

Mr. Cook,	Mr. Curtis,	Mr. Greenly,	3
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Mr. Kercheval moved to amend the sixteenth section by the following proviso :

*Provided,* That the chief engineer on any of the works of internal improvement shall not receive more than at the rate of fifteen hundred dollars per annum, and the assistant engineers at the rate of one thousand dollars per annum, in full for all services performed by such chief or assistant engineer.

To which Mr. Summers offered the following amendment :

That the compensation of the chief engineer shall not exceed twelve hundred dollars per annum, and the compensation of assistant engineers eight hundred dollars per annum.

The question being taken severally on said amendments, they were agreed to, as follows :

On that part relating to the compensation of chief engineer, the vote was as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	
Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Curtis,			7

On that part of amendment relating to assistant engineer, the vote was as follows :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Summers,	
Mr. Drake,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Gordon,			10

## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Greenly,	Mr. Kercheval,		5

The amendment of Mr. Hawkins, as amended, on motion of Mr. Summers, was then agreed to.

Mr. Cook moved to so amend said bill as to appoint five instead of three commissioners, which was disagreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Curtis,	Mr. Summers,	3
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## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			13

Mr. Hawkins moved to increase the salary of acting commissioners to fifteen hundred dollars, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Gordon,			7

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		8

Mr. Summers moved to fix the same at sixteen hundred dollars per annum, which was disagreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,
Mr. Greenly,		

4

## NAYS.

Mr. Cook,	Mr. Gordon,	Mr. McCamly,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge, 12

And the salary of the acting commissioner was thereupon, on motion, fixed at fourteen hundred dollars per annum.

The bill was then ordered to the third reading, and having been so read, passed.

On motion of Mr. Greenly,

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the resolution in relation to the adjournment of the legislature on the seventeenth instant be and the same is hereby repealed: Provided, however, That this legislature shall adjourn sine die, on Friday, the nineteenth instant.*

Mr. Drake, on leave, introduced a bill for the relief of the Detroit and Pontiac railroad company, which was read twice, ordered to the third reading, and was, on motion, so read and passed.

Mr. Bradford moved to take up the North Carolina resolutions, together with the responsive resolutions by the House of Representatives of Michigan, which was disagreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,		

4

## NAYS.

Mr. Drake,	Mr. Harrington,	Mr. Summers,
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge, 9

On motion of Mr. Summers, the Senate took up the bill relative to state printer, as amended by the House, and the same being concurred in, was, with sundry amendments, ordered to the third reading, and was, on motion, so read and passed, by the following vote:

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	9

## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Kercheval,	3
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On motion of Mr. Summers, the committee of the whole were discharged from the bill "to continue the Clinton and Kalamazoo canal from its present eastern termination in the Clinton river at Mt. Clemens, to the navigable waters of Lake St. Clair," and the same being before the Senate, was ordered to the third reading, was so read, and was lost on the vote for final passage, by the following vote :

## YEAS.

Mr. Drake,	Mr. Harrington,	Mr. Wing,	
Mr. Greenly,	Mr. Summers,		5

## NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. McCamly,	
Mr. Hawkins,	Mr. Kingsley,	Mr. Woodbridge,	6

On motion of Mr. Summers, the above vote was reconsidered, and said bill was laid on the table.

The following messages were received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 17, 1839. }

*To the President of the Senate :*

I am instructed to inform you that the House have concurred in the resolution of the Senate, relative to adjournment on Friday, the nineteenth instant.

E. J. ROBERTS,

*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 17, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a bill "to provide for regulating the terms of circuit courts in certain counties," and inform them that the House have concurred in all the amendments made thereto by

the Senate, with the exception of the one in relation to Oakland county.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate insisted on their amendment in relation to Oakland county, and Messrs. Wing, Harrington and Curtis were appointed a committee of conference thereon.

HOUSE OF REPRESENTATIVES, }  
April 17, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate the bill “making appropriations for the year eighteen hundred and thirty-nine, to defray the expenses of the government, and for other purposes,” and to inform them that the same has passed the House of Representatives, and the concurrence of the Senate is respectfully asked therein.

Also, to return to the Senate the bill “to provide for the payment of certain claims,” and to inform them that the same has passed the House with sundry amendments, in which the concurrence of the Senate is respectfully asked.

E. J. ROBERTS,

*Clerk House of Representatives.*

The bill “making appropriations,” &c., was read twice and referred to the committee on finance.

On motion of Mr. Curtis, the Senate took a recess until seven o'clock.

## EVENING SESSION.

*Seven o'clock, P. M.*

The Senate met, and was called to order by the President.

On motion of Mr. Cook, the committee of the whole were discharged from the “bill to amend an act to organize the militia.”

And the same being under consideration,

Mr. Greenly moved to amend by striking out all in section three, after the word “demand,” which was agreed to, as follows :

## YEAS.

Mr. Bradford,  
Mr. Curtis,  
Mr. Gidley,

Mr. Greenly,  
Mr. Hawkins,

Mr. Kingsley,  
Mr. McCamly,

## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		5

And the bill was thereupon ordered to the third reading, and was so read, when

Mr. Cook moved to reconsider the vote on Mr. Greenly's amendment, which was disagreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		5

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Hawkins,	
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	6

And the bill, as amended, then passed.

The President announced the following message from the Governor, by his secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }  
April 17, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the government and discipline of the state prison.

An act to incorporate the Berrien county mutual insurance company.

An act to attach a certain tract of country to Ottawa county.

An act amendatory of part one, title seven, and chapter first of the revised statutes, relative to the inspection of provisions.

An act to increase the capital stock of the Gibraltar and Flat Rock company.

An act to amend an act entitled "an act to incorporate the Grand Rapids bridge company."

An act to amend "an act to incorporate the mechanics' society of Detroit."

An act to provide for the apportionment of a fine assessed in Berrien county, among the several school districts in said county.

An act to organize a certain township.

A joint resolution relative to the payment of a survey on the southern railroad.



An act to incorporate the Adrian insurance company.

S. T. MASON.

The President announced the following messages from the House of Representatives, by their clerk, Mr. Roberts:

HOUSE OF REPRESENTATIVES, }  
April 17, 1839. }

*To the President of the Senate :*

I am directed by the House of Representatives to return to the Senate a joint resolution relative to the distribution of the journals, documents and laws, which has passed the House, with amendments, and the concurrence of the Senate is respectfully requested therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 17, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a joint resolution relative to the payment of money, which has passed the House, and the concurrence of the Senate is respectfully asked thereto.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said amendment was concurred in, and the joint resolution ordered to be enrolled.

And the joint resolution relative to the payment of money, was read twice and referred to the committee on literature.

The bill to provide for the payment of certain claims therein mentioned, received this afternoon from the House of Representatives, being before the Senate.

On motion of Mr. Kercheval, the Senate refused to concur in the amendments thereto by the House, and Messrs. Kercheval, Gordon and Cook, were appointed a committee of conference thereon.

Mr. Greenly, from the committee on literature, reported back a joint resolution (House of Representatives) relative to the payment of money, with an amendment to insert "hereafter," to fol-

low the words "loan of money," which amendment was agreed to, and the joint resolution, as amended, was then adopted.

On motion of Mr. Hawkins, the committee of the whole were discharged from the bill to authorize the commissioners of internal improvement to alter the location of the southern railroad, between the villages of Centerville and Niles, and the same being before the Senate, was, after some discussion, recommitted to the committee of the whole.

Mr. Summers moved to discharge the committee of the whole from said bill, with a view to refer the same to the committee on internal improvement, which was disagreed to.

On motion of Mr. Kingsley, the committee of the whole were discharged from the act entitled "an act to legalize township meetings for the year 1839," and the same being before the Senate, was ordered to the third reading, and was so read and passed.

On motion of Mr. Gordon, the committee of the whole were discharged from the bill to organize a certain township in the county of Genesee, and the same being before the Senate, was ordered to the third reading, and was so read and passed.

The committee of the whole were discharged from the bill concerning the apportionment of the common school and library funds, and for other purposes, and the same being before the Senate, the question was on concurring with the amendments made by the House of Representatives, and the same were non-concurred in.

On motion of Mr. Summers, the Senate took up the bill relative to township assessments and the returns thereof, and the same was ordered to the third reading, read the third time and passed.

Mr. Summers moved to take up for consideration, the joint resolution from the House of Representatives to appoint Alpheus Felch United States senator, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	9

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	6

Whereupon, the same being before the Senate, and the question being on the amendment thereto, Mr. Harrington withdrew the same, and submitted the following substitute :

*Resolved, by the Senate and House of Representatives of the State of Michigan, That Warner Wing be and he is hereby declared duly elected senator in congress of the United States.*

Mr. Bradford called for a division, whereupon the amendment to strike out Alpheus Felch was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kercheval,		11

## NAYS.

Mr. Bradford,	Mr. Kingsley,	Mr. McCamly,	
Mr. Cook,			4

Mr. Drake moved to amend said amendment by striking out the word "elected," and inserting the word "appointed."

Mr. Harrington called for a division of the question, when

Mr. Kercheval moved to lay the whole subject on the table, which was disagreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,			7

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kingsley,		8

Mr. Harrington withdrew his substitute and offered the following :

"Strike out all after the word "resolved," in the joint resolution of the House of Representatives, and insert "by the Senate and House of Representatives of the State of Michigan, That Warner Wing be and he is hereby duly chosen senator to represent this state in the congress of the United States, for the term of six years from and after the fourth day of March last."

Mr. Bradford called for a division of the question on the above proposition to strike out and substitute.

Whereupon, the question was taken on striking out all after the word "resolved," in the original resolution sent up from the House of Representatives, and was agreed to, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Greenly,			10

## NAYS.

Mr. Bradford,	Mr. Kingsley,	Mr. McCamly,	
Mr. Cook,			4

On motion of Mr. Drake, the words "duly chosen," were stricken out, and the word "appointed," inserted, which was carried, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,			10

## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Greenly,	Mr. Kingsley,		5

The amendment as amended, was then disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,	
Mr. Gordon,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,			7

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Trowbridge,	
Mr. Cook,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Drake,	Mr. McCamly,		8

Mr. Woodbridge moved to lay the whole subject on the table, which was disagreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Gordon,	Mr. Kercheval,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	9

The question being on striking out all after the word "resolved," a division being called for, the same was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kercheval,		11

## NAYS.

Mr. Bradford,	Mr. Kingsley,	Mr. McCamly,	
Mr. Cook,			4

On motion of Mr. Bradford, the Senate agreed to reconsider said vote, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	9

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	6

The question being thereupon again taken, was decided in the affirmative, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kercheval,		11

## NAYS.

Mr. Bradford,	Mr. Kingsley,	Mr. McCamly,	
Mr. Cook,			4

On motion of Mr. Summers, the Senate agreed to reconsider the vote on inserting Mr. Harrington's amendment, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,	
Mr. Drake,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kercheval,		11

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Cook,			4

Mr. Harrington's amendment was then inserted, by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,	
Mr. Gidley,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	9

## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Cook,	Mr. McCamly,		5

The joint resolution relative to Alpheus Felch, as amended by the Senate, was then agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,		8

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Drake,			7

Mr. Bradford moved to reconsider said vote, but the Senate disagreed thereto, as follows :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,		5

## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,

9

On motion of Mr. Harrington,  
The Senate went into executive session.

When the doors were opened,

Mr. Cook, from the committee on towns and counties, reported back the bill to provide for recording town plats, and for vacating the same in certain cases, and the same was ordered to the third reading.

On motion of Mr. Harrington, the Senate adjourned.

## THURSDAY, APRIL 18.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Cook and McCamly, who afterwards appeared and took their seats.

Mr. Harrington, from the standing committee, reported certain documents as correctly enrolled.

Mr. Cook presented the memorial of J. W. Avery, which was referred to the committee on claims.

Mr. Kingsley, from the committee on internal improvement, reported back the "joint resolution (House of Representatives) in relation to contractor on third division of central railroad," which was read the third time and passed.

Also, reported back the petition of J. R. Williams and forty-five others, &c., relative to certain railroad, from which the committee were discharged.

Also, reported a bill in relation to the Havre branch railroad, which was read twice and referred to the committee of the whole.

Also, sundry petitions relative to the improvement of western rivers, from which the committee were discharged.

Also, reported back the joint resolution (House of Representatives) relative to commissioners of appraisal on Ste. Marie's canal, the consideration of which was indefinitely postponed.

Mr. Kingsley, on leave, introduced a bill relative to notaries public, which was read three times and passed.

Mr. Wing, from the committee on the judiciary, reported back the bill "to legalize certain official acts of the county clerks and their deputies, and of justices of the peace, and to authorize," &c.

On motion of Mr. Harrington, the first section was stricken out.

Mr. Harrington moved to strike out the second section, which which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	
Mr. Greenly,			4

## NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Kercheval,	
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,	6

The bill was then ordered to the third reading, was so read, and passed as amended.

On motion of Mr. Summers, the Senate agreed to take up the motion to reconsider vote on final passage of bill to continue the Clinton and Kalamazoo canal, &c., by the following vote :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Harrington,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,		8

## NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. McCamly,	
Mr. Hawkins,	Mr. Kingsley,	Mr. Woodbridge,	6

Whereupon said bill was taken up and laid on the table.

On motion of Mr. Woodbridge,

*Resolved*, That it shall be the duty of the committee on finance to prepare "an accurate statement of the receipts and expenditures of the public money, to be attached to and published" with the acts of the present legislature. See section four, article twelve, constitution of Michigan, (manual fifty.)

The following message was received from the House of Representatives, by their clerk, Mr. Roberts :



HOUSE OF REPRESENTATIVES, }  
 April 18, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the “joint resolution to extend the time for settlement with the Michigan state bank,” &c., which they have passed, amended by striking out the name of Andrew G. Hammond, in which they respectfully ask the concurrence of the Senate.

Also, a bill “to provide for the recording of town plats, and for vacating the same in certain cases,” which they have passed, and respectfully ask concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the House amendment to said joint resolution was concurred in, and the resolution ordered to be enrolled.

The bill “to provide for recording town plats,” &c., was read twice and ordered to the third reading, read the third time and passed.

The President announced a message from the Governor, by Mr. Porter, private secretary, as follows:

EXECUTIVE DEPARTMENT, }  
 April 18, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of state,

A joint resolution in relation to the distribution of the revised laws and the session laws.

An act to provide for the payment of the expenses of the survey of a railroad from Centerville to Niles.

An act to authorize the loan of a certain sum of money to the White Pigeon beet sugar company.

An act to provide for the draining of swamps, marshes, and other low lands.

S. T. MASON.

Mr. Cook, (the tenth rule being suspended) introduced a bill to “repeal section eleven, chapter two, title five, part three, revised statutes,” &c., which was read twice and referred to the committee on the judiciary.

On motion, the Senate took up the bill to incorporate the Detroit Typographical society, and the same having been ordered to the third reading, was so read and duly passed.

The Senate went into committee of the whole, Mr. Curtis in the chair, on the bill "to authorize the commissioners of internal improvement to alter the location of the southern railroad between the villages of Centerville and Niles," and after a time the committee rose, and having reported the same back, were discharged.

Mr. Curtis moved to amend by inserting,

*Provided*, That the cost of the construction of the road on said location shall not exceed the present location over fifty thousand dollars.

Which was not agreed to.

The bill was then ordered to the third reading, so read, and passed by the following vote :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,	
Mr. Drake,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,			10

## NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Wing,	
Mr. Curtis,			4

The committee of the whole were discharged from the bill for the relief of Calvin C. Parks and others, and the same was laid on the table.

The Senate went into committee of the whole, Mr. Cook in the chair, on the act to incorporate the stockholders of the Huron river bank ; and after a time the committee rose, and having reported the same back, the committee were discharged, and said bill was laid on the table.

On motion of Mr. Summers, the Senate took up the House bill to amend an act incorporating the village of Romeo, county of Macomb, approved March 9, 1838, and the same was ordered to the third reading, and having been so read, was passed.

On motion of Mr. Kingsley, the Senate took up the House bill to incorporate the Dexter branch canal company ; and the same was ordered to the third reading, and having been so read, was

so amended, on motion of Mr. Summers, as to provide that the "legislature may at any time have power to alter, amend or repeal said act," and the bill then passed.

On motion of Mr. Kingsley, the Senate took up the bill "to authorize the county commissioners of Washtenaw to loan money;" and the same was ordered to the third reading, was so read and passed.

The committee of the whole were discharged from the bill in relation to the Havre branch railroad, and the same being before the Senate, was ordered to the third reading, was so read and passed.

On motion of Mr. Kingsley,

*Resolved*, (the House of Representatives concurring,) That the two houses will meet this day at four o'clock P. M., for the purpose of choosing eight directors of the state bank of Michigan.

Mr. Wing, from the committee on the judiciary, reported adverse to the bill "to amend section eleven, chapter two, title five, part three, revised statutes," and said bill being before the Senate, sundry amendments were made therein, and the bill was ordered to the third reading, was so read and passed.

The committee of the whole were discharged from the bill to incorporate the Detroit and St. Joseph railroad bank, and the same was laid on the table.

Also, from the bill to incorporate the Merchants' bank of Jackson county, and the same was laid on the table.

On motion of Mr. Kercheval, the "joint resolution to authorize the Secretary of State to procure eight thousand copies," &c., and the same was ordered to the third reading, was so read and on the question of final passage, was lost, as follows:

#### YEAS.

Mr. Curtis,	Mr. McCamly,	Mr. Trowbridge,	
Mr. Kercheval,	Mr. Summers,	Mr. Wing,	6

#### NAYS.

Mr. Cook,	Mr. Greenly,	Mr. Hawkins,	
Mr. Gordon,	Mr. Harrington,	Mr. Woodbridge,	6

On motion of Mr. Harrington, the Senate took up the bill to authorize a loan to the St. Clair and Romeo railroad company, whereupon,

Mr. Gordon moved to strike out all after the enacting clause, which was disagreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		5

## NAYS.

Mr. Cook,	Mr. Gidley,	Mr. Hawkins,	
Mr. Drake,	Mr. Harrington,	Mr. Woodbridge,	6

The bill was amended, on motion of Mr. Harrington, by inserting "double," after "least," in section eight.

Mr. Gordon moved to strike out the enacting clause, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,		8

## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,			7

Mr. Drake moved to reconsider the vote, on which the vote was as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,	6

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	
Mr. Curtis,	Mr. Gordon,	Mr. McCamly,	6

And the President decided in the negative.

The committee of the whole were discharged from the bill to prescribe the duties and powers of justices of the peace in civil cases, and the same was laid on the table.

On motion of Mr. Drake, the Senate adjourned.

## AFTERNOON SESSION,

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

Mr. Drake offered the following joint resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be, and he is hereby authorized and required to take charge of the capitol and public grounds enclosed around the same, and as far as he can, rent the rooms in the basement story of the capitol, and to pay into the treasury quarterly the proceeds thereof.

The joint resolution having been read twice, was ordered to the third reading, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gidley,	Mr. Harrington,	
Mr. Cook,	Mr. Gordon,	Mr. Kingsley,	
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,			10

## NAYS.

Mr. Kercheval,	Mr. Summers,	2
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Mr. Kercheval moved to lay the joint resolution on the table, which was disagreed to.

The tenth rule was then suspended, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	9

## NAYS.

Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,			4

The bill was then read the third time, and passed, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Drake,			10

## NAYS.

Mr. Gidley,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		5

Mr. Kercheval gave notice that he would to-morrow move to reconsider said vote.

Mr. Summers moved to reconsider said vote instantler, which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Gidley,	Mr. Hawkins,	Mr. Wing,	
Mr. Gordon,	Mr. Kercheval,		8

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Drake,			7

On motion of Mr. Kercheval, said joint resolution was then laid on the table.

On motion of Mr. Gordon, the Senate took up the joint rules for the government of joint conventions, and the same were adopted by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,		11

## NAYS.

Mr. Drake,	Mr. Summers,	Mr. Wing,	
Mr. Hawkins,			4

The following message was received from the House of Representatives, by their clerk, Mr. Roberts.

HOUSE OF REPRESENTATIVES, }  
April 18, 1839.

*To the President of the Senate :*

Sir :—I am directed to transmit to the Senate the bill for the regulation of internal improvements, and for the appointment of a board of commissioners, and to inform the Senate that the House have amended the amendments to the bill made by the

Senate, and the concurrence of the Senate is respectfully asked thereto.

Also, the joint resolution relative to the election of bank directors, which they have concurred in.

Also, to return the bill to amend an act entitled an act to provide for the appointment of a state printer, and respectfully inform the Senate that the House have non-concurred in the amendments thereto, and appointed Messrs. Sheldon, Adam and Howland a committee of conference thereon.

E. J. ROBERTS,

*Clerk House of Representatives.*

And Messrs. Harrington, Curtis and Kercheval were appointed a committee of conference on the act to provide for the appointment of a state printer.

The joint resolution relative to election of bank directors, was ordered to be enrolled.

The bill for the regulation of internal improvements, &c., being under consideration, the Senate non-concurred in the amendments made by the House of Representatives to the amendments by the Senate, and Messrs. Kingsley, Summers and Bradford were appointed a committee of conference thereon.

The following message was received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 18, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to return to the Senate a joint resolution relative to the payment of the superintendent of public instruction, and respectfully inform them that the House have non-concurred in the amendment made thereto by the Senate, and appointed Messrs. Renwick, Sheldon and Decker a committee of conference thereon.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate appointed as a committee of conference on said joint resolution, Messrs. Drake, Gidley and Greenly.

The Senate took up the bill to amend chapter three, title nine,

part first, of the revised statutes, and the same was ordered to the third reading, was so read and passed.

The Senate took up the bill to provide for the location of the seat of justice in the county of Ottawa, and the same was passed.

On motion of Mr. Drake, the Senate adjourned.

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FRIDAY, APRIL 19.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

The roll being called, there were absent, Messrs. Bradford, Cook, Gordon, Harrington and McCamly, who afterwards appeared and took their seats.

The President announced the following messages from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 18, 1839.

*To the President of the Senate :*

I am directed by the House of Representatives to return to the Senate an act supplementary to an act authorizing the building of the state prison, and to inform the Senate that the same has passed the House.

E. J. ROBERTS,  
*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 16, 1839.

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the bill for the regulation of internal improvements, and for the appointment of a board of commissioners, and respectfully inform the Senate that they have appointed Messrs. Finney, Renwick and Davis a committee of conference thereon.

E. J. ROBERTS,  
*Clerk House of Representatives.*



HOUSE OF REPRESENTATIVES, }  
 April 19, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate a bill to incorporate the Saginaw and Genesee navigation company, which has passed the House, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill to incorporate the Saginaw and Genesee navigation company, was read twice and referred to the committee of the whole.

Mr. Gordon, from the committee on claims, reported adverse to the petition of I. W. Averill; the report was accepted and the committee discharged.

Mr. Drake, from the committee on finance, reported back, with sundry amendments, the bill (House of Representatives, number one hundred and nineteen,) making appropriations for the year eighteen hundred and thirty-nine.

The question being on striking out the appropriation to John S. Bagg,

Mr. Bradford moved a call of the Senate, which was not agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Cook,	Mr. Kercheval,	Mr. Wing,	6

NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	9

The question then recurring on said striking out, it was decided in the affirmative, as follows :

YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	9

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kercheval,
Mr. Cook,	Mr. Kingsley,	Mr. McCamly,
Mr. Greenly,		

7

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
 April 18, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to transmit a joint resolution to the Senate, relative to the election of bank directors, and inform them that the same has passed the House, and the concurrence of the Senate is respectfully requested thereto.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate having amended the said joint resolution by striking out " forthwith," and inserting " at four o'clock, P. M.," concurred therein.

On motion of Mr. Drake,

*Resolved, by the Senate,* That the Treasurer of the state be requested to furnish the Senate a statement showing the amount of available funds now in the treasury, and the several funds to which the money, if any, belongs or has been placed.

The Senate resumed the consideration of the appropriation bill, and the same was recommitted to the committee on finance, with instructions, &c.

The President announced two messages from the Governor, by Mr. Porter, his private secretary, one on executive business, and the other as follows :

EXECUTIVE DEPARTMENT, }  
 April 19, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the laying out and establishing certain state roads.

A joint resolution relative to an amendment to the constitution.

A joint resolution authorizing the acting commissioner on the Ste. Marie's canal to advance money.

An act to provide for the location of the seat of justice in the county of Ottawa.

An act to incorporate the Detroit typographical society.

An act to authorize the commissioners of internal improvement to alter the location of the southern rail road, between the villages of Centerville and Niles.

A joint resolution to extend the time for settlement with the Michigan state bank.

An act to provide for regulating the terms of circuit courts in certain counties, and for other purposes.

An act to authorize the county commissioners of Washtenaw county to loan money.

A joint resolution in relation to contractor on third division of the central railroad.

An act relative to township assessments, and the returns thereof.

An act to authorize certain persons to administer oaths.

An act to provide for the recording of town plats, and for vacating the same in certain cases.

An act to amend an act incorporating the village of Romeo, county of Macomb, approved March nine, eighteen hundred and thirty-eight.

An act supplementary to an act authorizing the building of the state prison.

S. T. MASON.

The following messages were received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the bill to provide for the payment of certain claims therein mentioned, and respectfully inform them that

the House have concurred in the report made by the committee of conference.

Also, to return a bill to organize a certain township in the county of Genesee, in which they have concurred.

Also, to transmit to the Senate a bill to provide the circuit courts of certain counties with seals, which they have passed, and respectfully ask concurrence of the Senate therein.

Also, to return a bill to amend an act entitled an act to provide for the appointment of a state printer, &c., and respectfully inform the Senate that the House non-concur in the report of the committee of conference thereon.

E. J. ROBERTS,

*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir:—I am instructed by the House of Representatives to transmit to the Senate,

A bill to provide for defraying the expenses for the transportation and subsistence of the state prisoners, which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to transmit to the Senate,

A bill to authorize the superintendent of public instruction to grant certain privileges to Elisha Doane of Kalamazoo county, which has passed the House, and the concurrence of the Senate is respectfully requested thereto.

E. J. ROBERTS,

*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to inform the Senate that they have concurred in the amendment of

the Senate to the joint resolution, relative to joint convention for the purpose of electing directors of the state bank.

Also, to transmit a bill relative to the primary schools in the city of Detroit, which they have passed, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the bill to provide for the payment of certain claims therein mentioned, and

The bill to organize a certain township in the county of Genesee, were ordered to be enrolled.

The bill to provide the circuit courts of certain counties with seals, was read and passed.

The bill to provide for defraying the expenses for the transportation and subsistence of state prisoners, was read twice and laid on the table.

The bill in relation to Elisha Doane, was read twice, and referred to the committee on literature.

The bill relative to primary schools in the city of Detroit, was read twice, and referred to the committee on literature.

On motion of Mr. Drake,

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the commissioners authorized to settle with the Michigan state bank be and they are hereby authorized to allow and credit said bank the sum of one hundred and twenty dollars, the amount advanced and paid to Mr. Ball, Mr. Butler, Mr. Smith and Mr. Cook, members of the committee authorized to investigate the bank of Michigan, in 1888; and further, to allow and credit to said bank such sum or sums as has been advanced to the members and officers of the present legislature.

On motion of Mr. Hawkins, the Senate adjourned.

#### AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

On motion of Mr. Kercheval, the Senate took up the bill for the relief of Calvin C. Parks and others, and the amendments thereto by the House of Representatives were non-concurred in.

Whereupon, Messrs. Cook, Wing and Kercheval, were appointed a committee of conference thereon.

The President announced a message from the House of Representatives, through their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to inform the Senate that the committee of conference having under consideration the bill making appropriations for the payment of John S. Bagg, state printer, could not agree, and that said bill is lost.

E. J. ROBERTS,

*Clerk House of Representatives.*

And a question of competency arising, Messrs. Curtis, Kercheval and McCamly were appointed a committee of conference.

On motion of Mr. Summers, the Senate agreed to take up the bill to continue the Clinton and Kalamazoo canal from its present eastern termination in the Clinton river, at Mt. Clemens, to the navigable waters of Lake St. Clair, at Belvidere, by the following vote :

YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Harrington,	Mr. Wing,	9

NAYS.

Mr. Bradford,	Mr. Kercheval,	Mr. McCamly,	
Mr. Cook,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Hawkins,			7

The question being on the passage thereof, the bill was, on motion, recommitted to the committee on internal improvement, with certain instructions.

Mr. Wing, from the committee on the judiciary, reported the bill to change the June term of the supreme court, &c. which was read twice, ordered to the third reading, and was so read and passed.

Mr. Greenly, from the committee on literature, reported back

the bill relative to Elisha Doane, with an amendment, which being concurred in, the bill was ordered to the third reading, was so read and passed.

Also, the bill relative to primary schools, which was ordered to the third reading, was so read and passed.

Mr. Summers reported the bill relative to the Clinton canal, which was, on motion, indefinitely postponed.

The president announced a communication from the State Treasurer, which was read, laid on the table, and ordered to be printed.

[*See Senate Document No. 38.*]

Mr. Hawkins, on leave, introduced a bill relative to Bridgewater, which was read the third time and passed.

A committee from the House of Representatives, consisting of Messrs. Adams and Ormsby, was announced, who informed the Senate that the House was now ready to go into joint convention.

Whereupon, the Senate adjourned to the hall of representatives.

On the return of the Senate, the president announced that the joint convention had elected the following individuals directors of the state bank of Michigan, viz :

John S. Barry, he having	61 votes.
John Biddle,	51
Charles Noble,	47
Robert H. Stuart,	46
G. W. Jermain,	42
B. F. H. Witherell,	41
Zina Pitcher,	41
Edward Mundy,	38

And the President also announced that John D. Pierce, nominated to-day by the Governor to the joint convention, had been by them approved, superintendent of public instruction.

Mr. Kingsley, from the committee of conference, on the bill regulating internal improvement, submitted a report thereon, which was concurred in.

On motion of Mr. Hawkins, the Senate adjourned.

## IN JOINT CONVENTION.

*Four o'clock, P. M.*

In pursuance of a joint resolution of the two houses, the Senate having proceeded to the hall of the House of Representatives, the President of the Senate announced the object of the convention to be the election of eight directors of the state bank of Michigan, when]

Mr. Summers moved that the convention proceed to elect one director at a time.

Mr. Fitzgerald offered as an amendment, that each member should vote for eight directors on being called, and a majority of all the votes should be necessary to a choice.

Mr. Fitzgerald withdrew his amendment, and

Mr. Adams renewed it.

And on the yeas and nays being called, the same was sustained as follows :

*(Senators.)*

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,
Mr. Cook,	Mr. Harrington,	Mr. McCamly,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,
Mr. Gordon,		

13

NAYS.

Mr. Summers,

1

*(Representatives.)*

YEAS.

Mr. Acker,	Mr. Durocher,	Mr. Livermore,
Mr. Adam,	Mr. Finney,	Mr. Mack,
Mr. A. Allen,	Mr. Fitzgerald,	Mr. Meacham,
Mr. L. Allen,	Mr. Gibbs,	Mr. Near,
Mr. Bacon,	Mr. Goodwin,	Mr. Newton,
Mr. Brown,	Mr. Grovier,	Mr. Ormsby,
Mr. Chapin,	Mr. Howland,	Mr. Patterson,
Mr. Chase,	Mr. Hooker,	Mr. Saunders,
Mr. Clark,	Mr. Jennings,	Mr. Seeley,
Mr. Copeland,	Mr. King,	Mr. Smith,
Mr. Decker,	Mr. Levake,	Mr. Stout,
Mr. Dort,	Mr. Little,	Mr. Tackles,

36



## NAYS.

Mr. Axford,	Mr. McKee,	Mr. Speaker,	
Mr. Beaufait,	Mr. Pond,	Mr. Tucker,	
Mr. Eaton,	Mr. Sheldon,	Mr. Wixom,	
Mr. Lowry,			10

The convention then proceeded to ballot, *viva voce*, for eight directors. The secretary of the Senate calling the names of the senators each member rose in his place, and voted as follows :

For John Biddle,	8
R. Stuart,	10
J. S. Barry,	14
John Ball,	3
A. Felch,	2
B. F. H. Witherell,	8
Seneca Newberry,	3
J. Silver,	2
K. Pritchette,	3
Z. Pitcher,	9
C. Noble,	10
G. W. Jermain,	8
E. Mundy,	6
E. Lathrop,	9
D. S. Lee,	2
T. Palmer,	3
Wm. F. Brewster,	2
W. Draper,	2

The clerk of the House of Representatives then calling the names, they severally rose, and voted as follows :

For John Biddle,	43
Robert Stuart,	36
J. S. Barry,	47
John Ball,	16
A. Felch,	9
B. F. H. Witherell,	33
Seneca Newberry,	13
K. Pritchette,	6
Z. Pitcher,	32
C. Noble,	37

For G. W. Jermain,	34
E. Mundy,	32
E. H. Lathrop,	5
D. S. Lee,	6
John Palmer,	3
William F. Brewster,	5
E. S. Fuller,	4
H. G. Wells,	9
C. Moran,	3
J. Trowbridge,	1
W. Draper,	3
D. G. Jones,	1
E. P. Hastings,	1
A. S. Porter,	1
James Kingsley,	1
J. Howard,	1
N. Biddle,	1
G. B. Cooper,	1
O. Wilder,	1
J. S. Bagg,	1

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }  
 April 19, 1839. }

*To the Senate and House of Representatives  
 of the State of Michigan in joint convention :*

I hereby nominate John D. Pierce, to be superintendent of public instruction.

S. T. MASON.

Mr. Drake moved an indefinite postponement.

Mr. Hawkins moved to lay the same on the table, which was lost, by the following vote :

(Senators.)

YEAS.

Mr. Drake,  
 Mr. Gidley,

Mr. Hawkins,  
 Mr. Summers,

Mr. Trowbridge,

5

## NAYS.

Mr. Bradford,  
Mr. Cook,  
Mr. Curtis,  
Mr. Gordon,

Mr. Greenly,  
Mr. Harrington,  
Mr. Kercheval,

Mr. Kingsley,  
Mr. McCamly,  
Mr. Wing,

10

*(Representatives.)*

## YEAS.

Mr. L. Allen,  
Mr. Bacon,  
Mr. Davis,  
Mr. Howland,  
Mr. Hooker,

Mr. Jennings,  
Mr. Lowry,  
Mr. Little,  
Mr. Newton,

Mr. Ormsby,  
Mr. Renwick,  
Mr. Speaker,  
Mr. Tucker,

13

## NAYS.

Mr. Acker,  
Mr. Adam,  
Mr. A. Allen,  
Mr. Axford,  
Mr. Beaufait,  
Mr. Brown,  
Mr. Chapin,  
Mr. Chase,  
Mr. Clark,  
Mr. Copeland,  
Mr. Decker,  
Mr. Dort,

Mr. Eaton,  
Mr. Finney,  
Mr. Fitzgerald,  
Mr. Gibbs,  
Mr. Goodwin,  
Mr. Grovier,  
Mr. King,  
Mr. Livermore,  
Mr. Mack,  
Mr. Meacham,  
Mr. McKee,

Mr. Near,  
Mr. Patterson,  
Mr. Pierce,  
Mr. Pond,  
Mr. Saunders,  
Mr. Seeley,  
Mr. Sheldon,  
Mr. Smith,  
Mr. Stout,  
Mr. Tackles,  
Mr. Wixom,

34

The convention then proceeded to vote for superintendent of public instruction, and the vote stood as follows :

*(Senators.)*

## YEAS.

Mr. Bradford,  
Mr. Cook,  
Mr. Curtis,  
Mr. Gordon,

Mr. Greenly,  
Mr. Harrington,  
Mr. Kercheval,  
Mr. Kingsley,

Mr. McCamly,  
Mr. Summers,  
Mr. Wing,

11

## NAYS.

Mr. Drake,  
Mr. Gidley,

Mr. Hawkins,

Mr. Trowbridge,

4

(Representatives.)

## YEAS.

Mr. Adam,	Mr. Durocher,	Mr. McKee,
Mr. A. Allen,	Mr. Eaton,	Mr. Ormsby,
Mr. Axford,	Mr. Finney,	Mr. Patterson,
Mr. Bacon,	Mr. Fitzgerald,	Mr. Pond,
Mr. Beaufait,	Mr. Gibbs,	Mr. Saunders,
Mr. Brown,	Mr. Goodwin,	Mr. Seeley,
Mr. Chapin,	Mr. Grovier,	Mr. Sheldon,
Mr. Chase,	Mr. King,	Mr. Smith,
Mr. Clark,	Mr. Levake,	Mr. Speaker,
Mr. Copeland,	Mr. Little,	Mr. Stout,
Mr. Davis,	Mr. Livermore,	Mr. Tackles,
Mr. Decker,	Mr. Mack,	Mr. Tucker,
Mr. Dort,	Mr. Meacham,	Mr. Wixom,

39

## NAYS.

Mr. Acker,	Mr. Hooker,	Mr. Newton,
Mr. L. Allen,	Mr. Jennings,	Mr. Pierce,
Mr. Howland,	Mr. Near,	Mr. Renwick,

9

And John D. Pierce was elected superintendent of public instruction.

And the convention adjourned.

## EVENING SESSION.

*Half past seven o'clock, P. M.*

The Senate met, and was called to order by the President.

Mr. Greenly, from the committee on literature, reported back the bill to amend the chapter of the revised statutes entitled "of primary schools," with sundry amendments, which were all concurred in, and the bill as amended was laid on the table.

On motion of Mr. Drake, the following joint resolution was adopted by the Senate:

*Resolved, by the Senate and House of Representatives, That the Secretary of the State be and he is hereby authorized to contract for sixty-five cords of hard wood, for the use of the state, the same to be delivered at some convenient time previous to the meeting of the next legislature.*

The following message was received from the House of Representatives, by their clerk, Mr. Roberts:

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate:*

Sir:—I am instructed by the House of Representatives to return to the Senate the resolution in relation to Michigan state bank, with an amendment thereto attached, in which the concurrence of the Senate is respectfully asked.

Also, to return a bill for the relief of Calvin C. Parks and others, and respectfully inform the Senate that the House have appointed Messrs. Smith, Eaton and Near, a committee of conference thereon.

Also, on the bill "making appropriations for the payment of John S. Bagg, state printer," to respectfully inform the Senate that they have appointed as a second committee of conference, Messrs. Fitzgerald, Mack and Hooker.

Also, the bill entitled "an act making provisions for the appointment of a state printer," &c., and respectfully inform the Senate that they have appointed as a second committee of conference thereon, Messrs. Adam, Brown and Chapin.

Also, to return the bill "to change the name of the first presbyterian church and society of Sharon and Bridgewater," which they have passed.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the amendment by the House of Representatives, to the joint resolution in relation to the Michigan state bank, was concurred in, and the joint resolution ordered to be enrolled.

And the bill to change the name of the first presbyterian church and society of Sharon and Bridgewater, was ordered to be enrolled.

Mr. Drake, from the committee on finance, reported sundry amendments to the bill of appropriations for 1839.

The amendment to strike out the allowance of five hundred dollars to the Governor's private secretary was non-concurred in, as follows:

YEAS.

Mr. Drake,

Mr. Woodbridge,

2

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Gordon,	Mr. Hawkins,	Mr. Wing,	9

The amendment to diminish the salary of the superintendent of public instruction was non-concurred in, as follows :

## YEAS.

Mr. Drake,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Hawkins,			4

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Gordon,			7

Mr. Harrington moved to reconsider the vote striking out the appropriation to J. S. Bagg, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	6

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	9

The bill was then ordered to the third reading, read the third time and passed.

Mr. Woodbridge offered the following joint resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the chairman of the standing committee of finance of the Senate, and the chairman of the committee of ways and means of the House of Representatives, be a joint committee, whose duty it shall be to prepare for publication, and to be published with the acts of the present session of the legislature, an accurate statement of the receipts and expenditures of the public money, in compliance with the fourth section, article twelve, of the constitution of this state.

Which was read twice and laid on the table.

The following messages were received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
*April 19, 1839.* }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return the bill to amend an act entitled “an act to provide for the appointment of a state printer,” &c., approved March 3, 1837, and respectfully inform the Senate that they have concurred in the report of the committee of conference, and passed the bill.

Also, to return the bill for the relief of Calvin C. Parks and others, and respectfully inform the Senate they have concurred in the report of the committee of conference thereon, and passed the bill.

E. J. ROBERTS,

*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
*April 19, 1839.* }

*To the President of the Senate :*

I am instructed by the House of Representatives to return to the Senate the resolution authorizing the Secretary of State to make a contract for wood, and inform you that the same has been concurred in by the House.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate having concurred in the report of the committee of conference on the act to appoint state printer, made through Mr. Curtis, ordered the same to be enrolled.

And the Senate concurred in the report of the committee of conference on the bill “for the relief of C. C. Parks and others,” made by Mr. Cook, by the following vote :

YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	
Mr. Gidley,	Mr. Hawkins,		8

NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Summers,	3
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And said bill was ordered to be enrolled.

And the joint resolution relative to contract for wood, was ordered to be enrolled.

Mr. Summers offered the following joint resolution :

*Resolved, by the Senate of the State of Michigan, (the House concurring,) That George R. Griswold be, and he is hereby appointed state printer for one year.*

Mr. Harrington moved to amend the same by striking out "George R. Griswold," and inserting "John S. Bagg."

Mr. Woodbridge called for a division of the question; whereupon,

The motion to strike out was disagreed to, as follows:

## YEAS.

Mr. Gordon,	Mr. Kingsley,	Mr. Trowbridge,
Mr. Harrington,	Mr. McCamly,	Mr. Woodbridge,
Mr. Kercheval,		

7

## NAYS.

Mr. Cook,	Mr. Gidley,	Mr. Summers,
Mr. Curtis,	Mr. Greenly,	Mr. Wing,
Mr. Drake,	Mr. Hawkins,	

8

Mr. Cook moved to strike out all after the word resolved, on which the Senate were equally divided, as follows:

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,
Mr. Cook,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Harrington,	Mr. Kingsley,	

8

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,
Mr. Drake,	Mr. Greenly,	Mr. Wing,
Mr. Gidley,	Mr. Summers,	

8

And the President decided in the affirmative.

Mr. Hawkins moved to insert after the word "resolved," "by the Senate of the State of Michigan, (the House concurring,) That George L. Whitney be, and he is hereby appointed state printer for one year."

And the same was laid on the table by the following vote:

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Cook,	Mr. Kingsley,	Mr. Wing,
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,
Mr. Harrington,		

10



## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Hawkins,	
Mr. Drake,	Mr. Greenly,	Mr. Summers,	6

Mr. Kingsley, from the committee on internal improvement, reported back the bill "to provide for the construction of certain works of internal improvement," without amendment, and the question being on ordering the same to the third reading,

Mr. Hawkins moved to strike out all after the enacting clause ; when,

On motion of Mr. Wing, the bill was laid on the table by the following vote :

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gidley,			10

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Greenly,	Mr. Hawkins,	Mr. Summers,	6

Mr. Wing, on leave, introduced a bill relative to justices of the peace, which was read twice, and referred to the committee of the whole.

Mr. Trowbridge offered the following joint resolution :

*Resolved by the Senate,* (the House concurring,) That the treasurer of the state is hereby authorized to pay, upon the warrant of the Auditor General, the several clergymen who have officiated as chaplains to the legislature, the sum of one dollar per day each for each day's attendance, to be paid upon the certificate of the presiding officers of the Senate and of the House, out of any moneys in the treasury not otherwise appropriated.

Which was duly adopted by the Senate.

On motion of Mr. Hawkins, the Senate took up the House bill "to repeal the charter of the bank of Ypsilanti," and the same being ordered to the third reading, was so read, and,

On motion of Mr. Kercheval, was laid on the table by the following vote :

## YEAS.

Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		8

## NAYS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,	
Mr. Harrington,			4

On motion of Mr. Drake, the Senate went into executive session.

When the doors were opened,

The President announced the following messages from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

I am directed by the House of Representatives to inform the Senate that the House have concurred in the report of the majority of the committee of conference relative to the adjournment of the legislature to-morrow afternoon, at four o'clock, P. M.

E. J. ROBERTS,

*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to return to the Senate the bill “to provide for defraying the expenses of the government for eighteen hundred and thirty-nine, and for other purposes,” and to inform them that the House have refused to concur in some of the amendments made thereto by the Senate, and have concurred in others, respectfully asking the Senate to recede from such amendments as they have non-concurred in.

Also, to return to the Senate the resolution relative to adjournment of the two Houses, and respectfully inform the Senate that the House have passed the same, with an amendment to adjourn on the twenty-second instant, at nine o'clock A. M.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate refused to concur in the amendment by the House to the joint resolution relative to adjournment, and appointed Messrs. Bradford, Curtis and Greenly a committee of conference thereon.

And Messrs. Gidley, Woodbridge and Kercheval were appointed a committee of conference relative to the disagreement on the bill making appropriations for the year eighteen hundred and thirty-nine.

The following message was received from the House of Representatives, by their clerk, Mr. Roberts:

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir:—I am directed by the House of Representatives to inform the Senate that the House have appointed a committee of conference on the resolution relative to adjournment, consisting of Messrs. Goodwin, Renwick and Acker.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate, (Mr. Bradford from the committee of conference having made a report to like effect,) concurred in the same, and the joint resolution, as amended, was ordered to be enrolled.

On motion of Mr. Gordon, the Senate adjourned to nine o'clock to-morrow morning.

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### SATURDAY, APRIL 20.

The Senate met, and was called to order by the President.

Prayer by the Rev. Mr. Comstock.

All the Senators were present except Mr. Etheridge, absent on leave.

Mr. Curtis, from the committee of conference, on the bill making appropriations to John S. Bagg, reported as follows :

Strike out of the amendment of the Senate "two thousand dollars," and insert "eighteen hundred and seventy-five dollars," which report was concurred in, and the bill passed as amended.

The President announced the following message from the Governor, by his secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }  
April 19, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the payment of certain claims therein mentioned.

An act to incorporate the Dexter branch canal company.

An act to organize a certain township in the county of Genesee.

An act to provide for the assessment and collection of taxes for the year eighteen hundred and thirty-eight, and for other purposes.

S. T. MASON.

Mr. Drake, in pursuance of notice, moved to reconsider the vote on the final passage of the bill to amend an act to incorporate the Saginaw and Genesee railroad company, and the same being agreed to, the Senate reconsidered and duly passed the same.

Mr. Gidley, from the committee on conference, on the bill making general appropriations for eighteen hundred and thirty-nine, reported thereon, which report was concurred in, and the bill passed as amended.

On motion of Mr. Drake, the committee of the whole were discharged from the bill to incorporate the Genesee and Saginaw navigation company, and the same being before the Senate, was ordered to the third reading, was so read and duly passed.

On motion of Mr. Wing, the committee of the whole were discharged from the bill relative to justices of the peace, and the same being before the Senate, was duly passed.

On motion of Mr. Wing, the Senate took up the bill to amend the chapter of the revised statutes, "of primary schools," and having concurred in the amendment to add a new section, duly passed the same, as amended.

Mr. Wing, from the committee on the judiciary, submitted a report on the resolution instructing them to inquire whether so

much of an act to provide for the election of Senators in the several districts of Michigan as purports to shorten the term for which any member of the Senate may be entitled to his seat, be consistent with the constitution of this state, and of any obligatory force ; if not, then when any further action on the part of the Senate, and if any, what, be requisite to carry into effect the provisions contained in the fifth section, article four, of the constitution, &c.

[See Senate Document No. 40.]

On motion of Mr. Woodbridge, the said report was laid on the table and ordered to be printed.

The President announced a message from the House of Representatives, by their clerk, Mr. Roberts, as follows :

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return to the Senate the bill to amend the revised statutes, and to supply certain omissions therein, with amendments thereto attached, in which they ask the concurrence of the Senate.

Also, to transmit a resolution relative to the appointment of a special agent, in relation to the Ste. Marie's ship canal, which they have passed, and respectfully ask concurrence therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the question being on adopting the joint resolution relative to the appointment of a special agent,

Mr. Kercheval moved to amend the same by substituting "an engineer," for "a special agent," which was agreed to, by the following vote :

YEAS.

Mr. Cook,	Mr. Kingsley,	Mr. Wing,	
Mr. Hawkins,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Kercheval,	Mr. Trowbridge,		8

NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Harrington,	
Mr. Curtis,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Greenly,		7

The question recurring on the resolution as amended,

Mr. Drake moved to amend by adding thereto as follows :

" And in case there is not sufficient for that purpose, the contractor shall pay it out of his own money," but afterwards withdrew the same.

Mr. Gidley thereupon offered the following :

And provided also that the compensation for services of such engineer be paid out of any moneys now appropriated to be expended on said work, which was agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kercheval,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Wing,	10
Mr. Gidley,			

NAYS.

Mr. Cook,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Hawkins,	Mr. McCamly,	Mr. Woodbridge,	6

Mr. Hawkins then offered the following :

Strike out all after the word " Michigan," and insert " that the engineer appointed to superintend the work on the Sault Ste. Marie canal may be authorized by the board of internal improvement to disburse such sums of money on said work as they may direct ; and the Auditor General is hereby directed to draw his warrant in favor of such engineer, for such sum as shall be directed by the board : provided the sum shall not exceed the sum authorized by law to be advanced to a commissioner ; and the engineer shall give good and sufficient security in the sum of twenty thousand dollars, which bond shall be approved by said Auditor General ; which was agreed to, as follows :

YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Hawkins,	
Mr. Cook,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Wing,	9

NAYS.

Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Trowbridge,		5

On motion of Mr. Cook, said vote was reconsidered ; whereupon,

Mr. Kingsley offered the following :

And said engineer shall receive no pay for making such disbursements, which being concurred in, the question then being on the substitute as amended,

Mr. Summers moved to reconsider the vote on Mr. Kingsley's amendment, when,

On motion of Mr. Greenly, the whole subject was laid on the table.

The bill to amend the revised statutes, and to supply certain omissions therein, as amended by the House of Representatives, being under consideration,

The Senate agreed to the amendments by the House of Representatives, with an amendment to their amendment, "at the end of the bill next to the last session."

On motion of Mr. Gidley, the Senate took up the bill to legalize the official acts of John Dowey, and the same was duly passed.

On motion of Mr. Hawkins, the bill to repeal the charter of the bank of Ypsilanti, was taken up and passed, by the following vote :

#### YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,

9

#### NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Woodbridge,
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3

The bill relative to furnishing certain copies of the Journal of Education, was taken up, and the House amendment being concurred in, said bill as amended, duly passed, and was ordered to be enrolled.

On motion of Mr. Summers, the Senate took up the joint resolution (House of Representatives) appointing George R. Griswold state printer, together with the substitute of Mr. Hawkins, to substitute George L. Whitney.

The question being on concurring with the substitute aforesaid,

Mr. Summers moved to amend by striking out George L. Whitney, and inserting E. J. Roberts, which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Wing,	
Mr. Curtis,	Mr. Summers,		5

## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. McCamly,		8

Mr. Bradford moved that a call of the Senate be ordered, which was negatived, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Kercheval,	
Mr. Cook,			4

## NAYS.

Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. McCamly,	Mr. Woodbridge,	9

The question then being on adopting the joint resolution as amended by inserting George L. Whitney,

Mr. Harrington moved to strike out George L. Whitney, which was negatived, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	
Mr. Cook,	Mr. Harrington,	Mr. Wing,	
Mr. Drake,			7

## NAYS.

Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gordon,			7

The vote on joint resolution, as amended, was then taken, and was equally divided, as follows :

## YEAS.

Mr. Curtis,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Summers,		8



## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Wing,	
Mr. Greenly,	Mr. Kingsley,		8

And the President voting in the negative, the joint resolution was lost.

On motion of Mr. Harrington, the Senate adjourned until half past two o'clock, P. M.

## AFTERNOON SESSION.

*Half past two o'clock, P. M.*

The Senate met, and was called to order by the President.

The President announced the following message from the Governor, by his private secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }  
April 20, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of State,

An act to change the June term of the supreme court of the State of Michigan, and the June term of the circuit court of the county of Ingham.

An act to change the name of the first Presbyterian church and society of Sharon and Bridgewater.

An act to authorize the superintendent of public instruction to grant certain privileges to Elisha Doane, of Kalamazoo county.

An act to provide the circuit courts of certain counties with seals.

A joint resolution relative to the contracting for wood for the use of the state.

An act for the relief of Calvin C. Parks and others.

An act to amend an act entitled "an act appointing state printer, and prescribing his powers and duties."

S. T. MASON.

On motion of Mr. Kingsley,

*Resolved*, That a committee of three be appointed to call on the Governor and request him not to sign the bill for the regulation of internal improvements and for the appointment of a board of

commissioners, as it is believed the bill is not the same which passed the Senate, and request him to return it to the Senate without his signature.

The following messages were received from the House of Representatives, by their clerk, Mr. Roberts. :

HOUSE OF REPRESENTATIVES, }  
April 20, 1839. }

*To the President of the Senate :*

Sir—I am instructed by the House of Representatives to return the bill to amend the chapter of the revised statutes, entitled “of primary schools,” which has passed the House.

Also, the bill to amend the revised statutes, and supply certain omissions therein, which has passed the House.

E. J. ROBERTS,  
*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 19, 1839. }

*To the President of the Senate :*

Sir—I am instructed to return to the Senate “a bill for the relief of David Brown and Samuel Clark,” and respectfully inform the Senate that the same has passed the house.

E. J. ROBERTS,  
*Clerk House of Representatives.*

And said bills were ordered to be enrolled.

Mr. Summers introduced a joint resolution, as follows :

*Resolved, by the Senate and House of Representatives of the State of Michigan, That John S. Bagg be and he is hereby appointed state printer to the legislature for one year, from and after the first day of May next.*

Mr. Gordon moved to strike out “John S. Bagg,” which was agreed to.

Mr. Cook moved to insert “Silas A. Bagg,” which was disagreed to.

Mr. Summers moved to insert “George R. Griswold.”

Mr. Cook moved to lay the whole subject on the table, on which the Senate was equally divided as follows :

## YEAS.

Mr. Bradford,	Mr. Kercheval,	Mr. Wing,
Mr. Cook,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Harrington,		

7

## NAYS.

Mr. Curtis,	Mr. Gordon,	Mr. Summers,
Mr. Drake,	Mr. Greenly,	Mr. Trowbridge,
Mr. Gidley,		

7

And the president decided in the affirmative, and the question was laid on the table.

On motion of Mr. Summers, the said joint resolution, as amended, was then taken up, and the question being on inserting "George R. Griswold," it was decided in the negative, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. McCamly,	Mr. Wing,
Mr. Gordon,		

7

## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Harrington,	Mr. Kingsley,	

8

Mr. Summers then moved to insert Elijah J. Roberts, which was agreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. McCamly,	Mr. Wing,
Mr. Gordon,		

10

## NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Harrington,	Mr. Kingsley,	

5

The joint resolution as amended, was then adopted by the following vote:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Gidley,	Mr. McCamly,	Mr. Wing,
Mr. Gordon,		

10

## NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. Kingsley,
Mr. Harrington,		

4

Mr. Drake submitted the following resolution :

*Resolved*, (as the sense of the Senate,) That for the revision of the laws, large sums of money have been expended, and in return therefor the people of this state have a code of laws cumbersome and disconnected, introducing new and untried, as well as old and discarded principles—unproviding for our wants—in direct opposition to our wishes, as well as to those great principles of liberty and equality upon which our institutions have been erected, and by which alone they can be sustained.

Mr. Hawkins moved that the secretary of the Senate be instructed not to insert said resolution on the journal of the Senate, which was not agreed to, by the following vote :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Hawkins,
Mr. Greenly,		

4

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Trowbridge,
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,
Mr. Drake,		

7

A motion was made to lay the same on the table, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,
Mr. Cook,	Mr. Harrington,	Mr. Kingsley,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,

9

## NAYS.

Mr. Drake,	Mr. Gidley,	Mr. Woodbridge,
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3

The following messages were received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 20, 1839. }

*To the President of the Senate :*

Sir—I am directed by the House of Representatives to return to the Senate the bill entitled an act to legalize township meetings for the year 1839, and respectfully inform the Senate that they have passed the same.

E. J. ROBERTS,  
*Clerk House of Representatives.*

HOUSE OF REPRESENTATIVES, }  
April 20, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to inform the Senate that they have passed a resolution relative to certain expenditures on the central railroad, which is herewith transmitted, and ask the concurrence of the Senate therein.

Also, a preamble and resolution accompanied by a proposition from John Van Fossen and Austin Wales, respecting the running of cars upon the central railroad.

E. J. ROBERTS,  
*Clerk House of Representatives.*

The bill to legalize township meetings for 1837, was ordered to be enrolled.

The joint resolution relative to certain expenditures on the central railroad, was concurred in, and duly adopted.

The joint preamble and resolution in relation to the proposal of John Van Fossen and Austin Wales, &c. was read twice and referred to the committee on internal improvement.

Mr. Kingsley, from the committee appointed to wait on the Governor in relation to the bill regulating internal improvement, made a report thereon, which was accepted, and ordered to be printed.

[See Senate Document No. 41.]

Mr. Cook moved to reconsider the vote taken on the instructions to the secretary of the Senate, in relation to Mr. Drake's resolution.

And the Senate agreed thereto, by the following vote :

## YEAS.

Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,		11

## NAYS.

Mr. Bradford,	Mr. Wing,	Mr. Woodbridge,	
Mr. Drake,			4

The question then recurring on said vote of instruction,

Mr. Woodbridge moved to postpone indefinitely the consideration of the vote of instruction on Mr. Drake's resolution, which was disagreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Summers,	Mr. Woodbridge,	
Mr. Gidley,			7

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Drake,	Mr. Hawkins,	Mr. McCamly,	
Mr. Greenly,	Mr. Kercheval,	Mr. Wing,	9

Mr. Summers moved to lay the motion relative to instruction on the table, which was disagreed to, as follows :

## YEAS.

Mr. Summers,	Mr. Woodbridge,		2
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,			13

The question then recurring on the motion to instruct the secretary of the Senate, &c. the vote on the same was as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Kingsley,	
Mr. Greenly,	Mr. Kercheval,	Mr. McCamly,	
Mr. Harrington,			7

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Wing,
Mr. Curtis,	Mr. Trowbridge,	Mr. Woodbridge,
Mr. Drake,		

7

And the president voted in the negative.

Mr. Harrington then sent a resolution to the chair, in relation to the premises, which the president refused to entertain, and pronounced such resolution out of order, from which decision Mr. Harrington appealed, and the Senate sustained the decision of the chair, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,
Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,
Mr. Gidley,	Mr. Kingsley,	

14

## NAYS.

Mr. Harrington,	
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1

The matter relative to the bill regulating internal improvement being before the Senate,

Mr. Bradford offered the following joint resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the accompanying bill entitled "an act for the regulation of internal improvement and the appointment of a board of commissioners of internal improvement," having been improperly enrolled, and now being restored by the amendment to its true and correct shape, as it originally passed both branches of the legislature, be sent to the Governor of the state for his signature and approval.

Which was not agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. McCamly,	Mr. Woodbridge,
Mr. Cook,		

4

## NAYS.

Mr. Curtis,	Mr. Harrington,	Mr. Kingsley,
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Greenly,	Mr. Kercheval,	Mr. Wing,

9

Mr. Kingsley, from the committee on internal improvement, on leave, introduced a bill regulating internal improvement, &c. which was read twice, and after sundry amendments the bill was ordered to the third reading, was so read, and duly passed.

On motion of Mr. Kingsley, the Senate took up the bill to provide for the further construction of certain works of internal improvement, and the question being on striking out all after the enacting clause, the same was decided in the negative :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Summers,	Mr. Woodbridge.
Mr. Harrington,		

7

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,
Mr. Curtis,	Mr. Greenly,	Mr. McCamly,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,

9

Mr. Greenly moved to fill the blank after southern railroad with "one hundred thousand."

Mr. Bradford moved to fill said blank with "one hundred and fifty thousand."

Pending discussion, on motion of Mr. Hawkins, the Senate took a recess for one hour.

## EVENING SESSION.

*Seven o'clock, P. M.*

The Senate met, and was called to order by the President.

On motion of Mr. Curtis, the Senate went into an election for a president of the Senate pro tem.

Whereupon, the secretary of the Senate calling their names, the senators respectively rose in their places and voted viva voce ; and it appearing that Mr. Kercheval had received all the votes given,

Mr. Kercheval was declared to have been unanimously elected president of the Senate.

The president pro tem having taken his seat,

The Senate resumed the consideration of the bill to provide for the further construction of certain works of internal improve-



ment, and the question being on Mr. Bradford's amendment to fill the first blank with "one hundred and fifty thousand," the same was agreed to, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,			7

## NAYS.

Mr. Gordon,	Mr. Hawkins,	Mr. Trowbridge,	3
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Mr. Bradford then moved further to amend the bill by adding to the foregoing as follows :

" Fifty thousand dollars thereof to be expended on the western end of the southern railroad, west of Niles, and between Niles and New Buffalo, by way of Bertrand, which was agreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kingsley,	Mr. Wing,	
Mr. Gordon,			13

## NAYS.

Mr. Kercheval,	Mr. Woodbridge,	2
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Mr. Harrington moved that the blank relative to the northern railroad be filled with "one hundred and fifty thousand."

Mr. Bradford moved to amend the same, as follows: Insert "one hundred thousand dollars to be expended on said railroad, west of the village of Flint."

Which was negatived, as follows :

## YEAS.

Mr. Bradford,	Mr. Drake,	Mr. Kercheval,	3
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## NAYS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gidley,	Mr. McCamly,		8

The amendment proposed by Mr. Harrington, was then negatived, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Gordon	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. McCamly,		8

Mr. Drake moved to fill the blank with "one hundred and forty thousand dollars," which was negatived, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,		6

Mr. Bradford moved to fill the blank with "one hundred and forty thousand dollars," which was disagreed to.

Mr. Harrington moved to fill said blank with "one hundred thousand dollars," which was negatived, as follows :

## YEAS.

Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Harrington,			4

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,	Mr. Trowbridge,	9

Mr. Harrington moved that the Senate adjourn sine die, which was disagreed to, as follows :

## YEAS.

Mr. Greenly,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Harrington,	Mr. Summers,		5

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Gidley,			10

Mr. Summers moved to refer the bill to a select committee of seven, consisting of one from each senatorial district, which was disagreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,			4

## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. McCamly,	
Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,		11

The question being on the amendment of Mr. Bradford, as to expenditure west of the village of Flint, it was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Drake,		2
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## NAYS.

Mr. Cook,	Mr. Hawkins,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			10

Mr. Hawkins moved to postpone the bill indefinitely, which was not agreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Summers,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Trowbridge,		5

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Kercheval,	
Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,			7

And the bill was laid on the table.

The president announced a message from the House of Representatives, by their clerk, Mr. Roberts, informing the Senate that the House of Representatives had amended the bill regulating internal improvement, and passed the same.

The Senate having concurred in the same, the bill was ordered to be enrolled.

On motion of Mr. Curtis, the Senate resumed the consideration of the bill of appropriation to certain internal improvements, and the question being on inserting "sixty thousand dollars for the northern railroad," the same was agreed to, as follows :

## YEAS.

Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. Summers,		8

## NAYS.

Mr. Bradford,	Mr. Greealy,	Mr. Trowbridge,	
Mr. Cook,			4

Mr. Hawkins then moved to fill the blank relative to the central railroad with "two hundred thousand."

Mr. Bradford offered the following amendment thereto :

"Fifty thousand dollars thereof to be expended on the western end of said central railroad, beginning at the village of St. Joseph, and proceeding eastward."

Which was disagreed to, as follows :

## YEAS.

Mr. Bradford,	Mr. Drake,	2
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## NAYS.

Mr. Hawkins,	Mr. Summers,	Mr. Wing,	
Mr. Kercheval,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. McCamly,			7

The amendment to fill the blank with "two hundred thousand dollars," was negatived, as follows :

## YEAS.

Mr. Hawkins,	Mr. Woodbridge,	2
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## NAYS.

Mr. Bradford,	Mr. Kercheval,	Mr. McCamly,	
Mr. Curtis,	Mr. Kingsley,	Mr. Summers,	
Mr. Greenly,			7

On motion of Mr. Woodbridge, the said blank was then filled with "one hundred and fifty thousand dollars," by the following vote :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Greenly,	Mr. McCamly,		8

## NAYS.

Mr. Kercheval,	Mr. Kingsley,	Mr. Wing,	3
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Mr. Curtis then offered a substitute for the bill, as amended, and moved to strike out all after the enacting clause and insert the same.

Mr. Hawkins moved to lay the bill and substitute on the table, which was not agreed to, as follows :

## YEAS.

Mr. Hawkins,	Mr. Woodbridge,		2
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## NAYS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	12

The question to strike out and insert then prevailed, as follows :

## YEAS.

Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,			7

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Wing,	
Mr. Drake,			7

The president voting in the affirmative.

Mr. Bradford then offered the following amendment to the substitute inserted after the enacting clause : In the sixth line, after the words "southern railroad," strike out the words "the sum of one hundred thousand dollars," and insert "one hundred and fifty thousand dollars, fifty thousand dollars thereof to be laid out and expended on the western end of said railroad, between Niles and Buffalo, by way of Bertrand."

Which was negatived, as follows :

## YEAS.

Mr. Bradford,  
Mr. Greenly,

Mr. Hawkins,

Mr. Wing,

4

## NAYS.

Mr. Cook,  
Mr. Curtis,  
Mr. Drake,  
Mr. Gidley,

Mr. Gordon,  
Mr. Harrington,  
Mr. Kercheval,  
Mr. Kingsley,

Mr. McCamly,  
Mr. Summers,  
Mr. Woodbridge,

11

Mr. Cook then moved to strike out the appropriation for the Clinton and Kalamazoo canal, (sixty thousand.)

On which the Senate was equally divided, as follows :

## YEAS.

Mr. Bradford,  
Mr. Cook,  
Mr. Gidley,

Mr. Hawkins,  
Mr. Kercheval,

Mr. Kingsley,  
Mr. McCamly,

7

## NAYS.

Mr. Curtis,  
Mr. Greenly,  
Mr. Harrington,

Mr. Summers,  
Mr. Trowbridge,

Mr. Wing,  
Mr. Woodbridge,

7

And the president decided in the affirmative.

Mr. Summers moved a reconsideration of the vote on striking out all after the enacting clause.

On which Mr. Curtis called the previous question, and was sustained by the following vote :

## YEAS.

Mr. Curtis,  
Mr. Gidley,  
Mr. Gordon,

Mr. Greenly,  
Mr. Kercheval,  
Mr. Kingsley,

Mr. Summers,  
Mr. Trowbridge,  
Mr. Wing,

9

## NAYS.

Mr. Bradford,  
Mr. Cook,

Mr. Drake,  
Mr. Hawkins,

Mr. McCamly,  
Mr. Woodbridge,

6

Mr. Summers moved to reconsider the vote on striking out all after the enacting clause, which was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,
Mr. Drake,	Mr. McCamly,	Mr. Wing,
Mr. Gordon,	Mr. Summers,	Mr. Woodbridge,
Mr. Greenly,		

10

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Kercheval,
Mr. Cook,	Mr. Hawkins,	Mr. Kingsley,

6

The question recurring on striking out all after the enacting clause, the same was agreed to, as follows :

## YEAS.

Mr. Curtis,	Mr. Harrington,	Mr. McCamly,
Mr. Drake,	Mr. Hawkins,	Mr. Summers,
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,
Mr. Greenly,		

10

## NAYS.

Mr. Bradford,	Mr. Gidley,	Mr. Kercheval,
Mr. Cook,		

4

The substitute being thereupon inserted, the enacting clause, as amended, and the question being on ordering the same to the third reading.

Mr. Woodbridge moved to postpone indefinitely the further consideration thereof, which was disagreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. Woodbridge,
Mr. Drake,	Mr. Trowbridge,	

5

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Harrington,	Mr. Summers,
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,
Mr. Gordon,	Mr. Kingsley,	

11

The same was then ordered to the third reading and passed by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	12

## NAYS.

Mr. Drake,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Hawkins,			4

Mr. Gordon submitted the following joint resolution :

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the fund commissioners be and they are hereby authorized to contract for the running of the cars upon the central railroad for one year from the first day of May next, with such person or persons as may apply therefor, and upon such terms as they may agree upon : Provided, after due inquiry and consideration, the same shall be deemed expedient and for the interest of the state.*

And the same was adopted by the following vote :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kingsley,		11

## NAYS.

Mr. Bradford,	Mr. McCamly,	Mr. Wing,	
Mr. Drake,			4

A communication was received from the Executive department, informing the Senate that the Governor was now ready to nominate seven members of the board of internal improvement under the existing laws, whenever the Senate are prepared to receive the nomination.

A message was received from the House of Representatives, by their clerk, Mr. Robers, informing the Senate that the House had made certain amendments to the bill for regulating internal improvement.

Which were concurred in by the Senate, and the bill passed as amended.



The following message was received from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
April 20, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to transmit the bill to locate the branches of the state bank, which has passed the House with amendments, and respectfully ask the concurrence of the Senate therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And the Senate having concurred in said amendment, the bill was ordered to be enrolled.

Also, the following :

HOUSE OF REPRESENTATIVES, }  
April 20, 1839. }

*To the President of the Senate :*

Sir :—I am directed by the House of Representatives to return to the Senate the bill for the relief of the Detroit and Pontiac railroad company, and respectfully inform them that the House have concurred therein.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said bill was ordered to be enrolled.

Also, the following :

HOUSE OF REPRESENTATIVES, }  
April 20, 1839. }

*To the President of the Senate :*

I am instructed by the House of Representatives to inform you that the House have non-concurred in the amendments of the Senate to the bill making appropriations for internal improvements, and have appointed Messrs. Chapin, Ormsby and Bacon a committee of conference thereon.

E. J. ROBERTS,

*Clerk House of Representatives.*

And Messrs. Bradford, Hawkins and Harrington, were appointed by the Senate a committee of conference thereon.

The following message was announced from the House of Representatives, by their clerk, Mr. Roberts :

HOUSE OF REPRESENTATIVES, }  
 April 20, 1839. }

*To the President of the Senate :*

Sir :—I am instructed by the House of Representatives to return a joint resolution to authorize the superintendent of public instruction to cause two thousand five hundred copies of chapter third, title eleven, part first of the revised statutes, as the same is amended, to be printed, and to inform you that the same has passed the House, and the concurrence of the Senate is respectfully asked.

E. J. ROBERTS,

*Clerk House of Representatives.*

And said joint resolution was read three times and duly adopted by the Senate.

The following message was received from the Governor, by his private secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }  
 April 20, 1839. }

*To the Senate :*

I have received, and return without my signature, a joint resolution entitled "a resolution relative to the central railroad."

The importance of the measure proposed is such as to require more grave consideration than is allowed the Executive department at this late hour of your session. Whilst a bill is pending, and has passed one branch of the legislature, providing for the purchase of a railroad as a matter of public interest, it seems to me that the measure contemplated by the resolution before me requires mature deliberation, before my sanction is given to a proposition leasing to individuals the most important public work of the state of Michigan.

S. T. MASON.

And the foregoing message was laid on the table, and ordered to be printed.

The following resolution was, on motion, adopted :

*Resolved*, That it be the duty of the secretary of the Senate to collect, carefully pack up in a box or some other safe place or places, all the petitions, papers, books, documents, and other property belonging to the Senate, and that he cause the same, together with the time piece near the president's chair, to be

deposited in the state library ; and that it be the duty of the person having charge of the public library carefully to preserve the same for the use of the Senate at its next meeting.

The following resolution was adopted :

*Resolved*, That the board of internal improvement be instructed to cause the locomotive engines upon the central railroad to be stopped at the depot as now established in the city of Detroit.

Mr. Bradford, from the committee of conference on the bill making appropriations for internal improvement, submitted a report, which was concurred in, and said bill was ordered to be enrolled.

A message was received from the Governor, by his secretary, Mr. Porter, informing the Senate that he had approved and filed in the office of the Secretary of State, an act for the regulation of internal improvements, and to appoint a board of commissioners ; and also, informing the Senate that he was ready to nominate three commissioners of internal improvement, either in joint convention or to the two houses separately, as they may determine to receive them under the law.

Whereupon it was,

*Resolved*, (as the sense of the Senate,) That the nomination by the Governor of commissioners of internal improvement be received by the two Houses respectively.

On motion, Messrs. Kingsley, Gordon and Greenly were appointed by the Senate to wait upon the House of Representatives and ascertain their views on entertaining the aforesaid nominations, whether in joint convention, or by the separate action of both Houses, and also to wait upon the Governor and inform him of the result ; which committee having discharged their duty, and it being determined that the nominations should be acted upon by both Houses separately, the committee reported in favor of acting on said nominations separately, and the report was adopted ; whereupon,

The President announced a message from the Governor, by Mr. Porter, his private secretary, as follows:

*To the Senate :*

I hereby nominate Rix Robinson, of Kent county, Levi S. Humphrey, of Monroe county, and William R. Thompson, of

Washtenaw county, to be commissioners of internal improvement.

S. T. MASON.

Whereupon the Senate went into an election,  *viva voce*, on the above nominations, and the same were confirmed by yeas and nays, as follows:

FOR RIX ROBINSON.

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Drake,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,			16

NAYS.

0

FOR LEVI S. HUMPHREY.

YEAS.

Mr. Cook,	Mr. Hawkins,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Summers,	
Mr. Gordon,	Mr. Kingsley,	Mr. Wing,	
Mr. Harrington,			10

NAYS.

Mr. Drake,	Mr. Greenly,	Mr. Woodbridge,	3
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FOR WILLIAM R. THOMPSON.

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Cook,	Mr. Hawkins,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	12

NAYS.

Mr. Gordon,			1
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The following message was received from the House of Representatives, by their clerk, Mr. Roberts:

HOUSE OF REPRESENTATIVES, }  
April 20, 1839. }

To the President of the Senate:

Sir—I am instructed by the House of Representatives to in-

form the Senate that the House have concurred in the nomination by the Governor for commissioners of internal improvement, of Messrs. Rix Robinson, Levi S. Humphrey, and William R. Thompson.

E. J. ROBERTS,

*Clerk House of Representatives.*

The following messages were received from the Governor, by his private secretary, Mr. Porter:

EXECUTIVE DEPARTMENT, }  
April 20, 1839. }

*To the Senate:*

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the further construction of certain works of internal improvement.

A joint resolution authorizing the publication of the school laws.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 20, 1839. }

*To the Senate:*

I have this day approved and filed in the office of the Secretary of State,

An act to incorporate the Genesee and Saginaw navigation company.

An act entitled an act to legalize the annual township meetings for the year eighteen hundred and thirty-nine.

An act to legalize the late township meeting in the township of Holly, in the county of Oakland.

An act for the relief of David Brown and Samuel Clark.

An act to amend an act to incorporate the Saginaw and Genesee railroad company.

An act to legalize the official acts of John Dewey, a justice of the peace in Jackson county.

An act making appropriations to defray the expenses of the government for the year eighteen hundred and thirty-nine, and for other purposes.

An act to amend the chapter of the revised statutes entitled "of primary schools."

An act to amend the revised statutes, and to supply certain omissions therein.

A joint resolution authorizing the state treasurer to credit the internal improvement fund with certain moneys.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 20, 1839. }

*To the Senate :*

I have this day approved and filed in the office of the Secretary of state,

An act to amend an act to establish the state bank of Michigan.

S. T. MASON

The Senate was about going into executive session, when

Mr. Hawkins moved that the rule be dispensed with requiring the doors of the Senate to be closed during executive session, the vote on which was as follows :

YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Summers,	
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	9

NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,	
Mr. Drake,	Mr. Kingsley,	Mr. Woodbridge,	6

And the same not being a majority of two-thirds, was lost.

And the Senate went into executive session.

When the doors were opened,

Mr. Summers moved to take up the bill authorizing "a tow path to be made on the Clinton and Kalamazoo canal," &c., and the question being on the passage thereof, the vote thereon was as follows :

YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Drake,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Harrington,		8

NAYS.

Mr. Cook,	Mr. Kercheval,	Mr. Wing,	
Mr. Curtis,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Hawkins,	Mr. McCamly,		8

And the President voting in the negative, the bill was lost.

The following resolution was then offered by Mr. Gidley :

*Resolved, unanimously,* That the thanks of this Senate are presented to Edward Mundy, Lieutenant Governor, and President of the Senate, for the dignity, impartiality and courtesy with which he has presided over the deliberations of the present session.

And the resolution was unanimously adopted, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gordon.		

16

## NAYS.

0

The President then rose in his place and addressed the Senate in the following terms :

*Gentlemen of the Senate :*

The resolution of courtesy passed by you this evening, gives me the opportunity of a parting word. I owe you, gentlemen, thanks for your courtesy, thanks for your indulgence, thanks for your confidence. I hope I shall never forget my indebtedness.

If in the enforcement of your rules, there should have occurred at some times the appearance of rigor, of too severe a strictness, I beg to say that it was not the prompting of personal or political feeling. Such should not belong to this place. I do not intend to say that the presiding officer of a legislative body should be in politics a neutral—armed, or unarmed ; that he should not be a strong politician ; that he might not, without censure, in the discharge of his duty, give to a political majority its just political influence ; but he should be careful of his motives, careful of the manner of doing his duty, that while he respects the claim of the majority, he may do justice to all. Such has been my endeavor.

*Gentlemen of the Senate*—We shall part from this place, I trust, as should part friend from his friend, forgetful of injuries, mindful of benefits, respecting and respected. The memory of

evil is always bitter, that of good is pleasant and joyful to the heart.

*Gentlemen of the Senate*—We shall not probably meet again in our official capacities ; the seats of some of us here will in a few months be filled by other persons. Mine I leave without reluctance ; proud of its honors, satisfied with its cares, I leave it willingly ; may its successor be a better, an abler man.

*Gentlemen of the Senate*—I again thank you for your repeated kindnesses, and wish you individually a safe journey to your homes.

The following resolution was then offered by Mr. Woodbridge :

*Resolved, unanimously,* That the thanks of this Senate are presented to Samuel Yorke At Lee, Esq., Secretary of the Senate, for the ability, fidelity and urbanity with which, during the present session of the Senate, he has discharged the duties of his office.

And the resolution was unanimously adopted by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Drake,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Gordon,		

10

## NAYS.

0

A committee from the House of Representatives, consisting of Messrs. Finney and Bacon, was announced, who informed the Senate that the House of Representatives were now ready to adjourn.

A committee was thereupon appointed by the Senate, consisting of Messrs. Gordon and Harrington, to inform the House of Representatives that the Senate were ready to adjourn.

It was also made the duty of said committee to announce the same to the Governor.

The committee having reported the discharge of their duty,  
On motion, the Senate adjourned *sine die*.





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- An act to provide for the collection of demands against boats and vessels, Mr. Harrington, pp. 47, 53, 63, 112, 120, 305, 348, 350, 357, 359, 374, approved April 10, 1839.
- An act to repeal an act entitled "An act to provide for the appointment of state printer, and to prescribe his powers and duties," approved March 30, 1837, Mr. Summers, pp. 52, 58, 69, 368, 377, 381, 384, 388, 397, 430, 431, 440, 452, 470, 475, 484, 486, 496, approved April 20, 1839.
- An act to amend title two, part three, revised statutes, committee on the judiciary—Mr. Gordon, pp. 54, 80, 94, 98, 120, 247, 248, 250, 263, 271, 275, 290, approved March 21, 1839.
- An act to abolish imprisonment for debt, and to punish fraudulent debtors, select committee—Mr. Bradford, pp. 57, 65, 80, 94, 102, 104, 147, 179, 181, 195, 198, 203, 272, 275, 278, 283, 292, 294, 298, 299, 301, 321, 322, 332, 351, 353, 369, 379, approved April 10, 1839.
- An act for the relief of Calvin C. Parks and others, committee on claims—Mr. Cook, pp. 60, 313, 318, 320, 431, 465, 476, 484, 486, 496, approved April 20, 1839.
- An act to increase the capital stock of the Gibraltar and Flat Rock company, committee on internal improvement—Mr. Kingsley, pp. 72, 429, 430, 436, 455, approved April 17, 1839.
- An act to authorize Giles B. Kellogg to make sale and partition of certain lands, committee on the judiciary—Mr. Wing, pp. 93, 118, 172, 173, 300, 301, 306, approved March 25, 1839.
- An act to incorporate the Marshall female seminary, Mr. Gordon, pp. 104, 245, 253, 305, 362, 364, 385, approved April 11, 1839.

- An act making special appropriations and for other purposes, Mr. Woodbridge, pp. 113, 120, 123, 132, 303, 320, 322, 374, approved April 10, 1839.
- An act to incorporate the Grand River theological seminary, committee on incorporations—Mr. Hawkins, pp. 123, 199, 202, 362, 363, 385, approved April 11, 1839.
- An act to amend chapter one, title ten, part one, revised statutes, committee on the judiciary—Mr. Gordon, pp. 136, 305, 311, 316, 369, 385, approved April 11, 1839.
- An act to provide for the further construction of certain works of internal improvement, committee on internal improvement—Mr. Kingsley, pp. 141, 148, 184, 488, 503, 511, 514, 516, approved April 20, 1839.
- An act to establish certain township lines in the county of St. Clair and for other purposes, Mr. Harrington, pp. 178, 189, 221, 250, 282, 317, 370, 398, approved April 11, 1839.
- An act supplementary to an act authorizing the building of the state prison, committee on the state prison—Mr. Gidley, pp. 195, 206, 423, 440, 448, 471, 474, approved April 19, 1839.
- An act to authorize the removal of certain convicts to the state prison, committee on the judiciary—Mr. Wing, pp. 202, 204, 210, 212, 213, 215, 219, 220, approved March 2, 1839.
- An act to authorize the Auditor General to obtain money on the credit of certain instalments of the five million loan, committee on internal improvement—Mr. Kingsley, pp. 211, 220, 221, 224, 226, 228, 229, 238, 245, 255, 286, 287, 302, 315, 316, 321, approved March 20, 1839.
- An act to amend the revised statutes and to supply certain omissions therein, committee on the judiciary—Mr. Harrington, pp. 260, 318, 342, 356, 383, 436, 448, 492, 494, 497, 517, approved April 20, 1839.
- An act to provide for the payment of certain claims therein mentioned, committee on claims—Mr. Gordon, pp. 323, 336, 342, 364, 420, 436, 454, 456, 474, 476, 491, approved April 19, 1839.
- An act to provide for the payment of the expenses of the survey of a railroad from Centerville to Niles, committee on the judiciary—Mr. Wing, pp. 331, 334, 438, 464, approved April 18, 1839.
- An act to amend an act to incorporate the Mechanics' Society of Detroit, committee on incorporations—Mr. Trowbridge, pp. 340, 429, 436, 455, approved April 17, 1839.
- An act to authorize a settlement with the Michigan state bank, committee on finance—Mr. Curtis, pp. 352, 354, 362, 364, 374, approved April 10, 1839.
- An act to amend an act to establish the State Bank of Michigan,

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An act to provide the circuit courts of certain counties with seals, committee on towns and counties—Mr. Cook, pp. 360, 475, 476, 496, approved April 20, 1839.

An act to incorporate St. Philip's college, committee on literature—Mr. Greenly, pp. 364, 376, 403, 417, 431, 441, approved April 16, 1839.

An act for the relief of David Brown and Samuel Clark, Mr. Drake, pp. 375, 428, 436, 497, 516, approved April 20, 1839.

An act to authorize township meetings to adjourn from one place to another, Mr. Drake, pp. 375, 391, 402, 405, 431, 441, approved April 16, 1839.

An act to legalize the late township meeting in the township of Holly, in the county of Oakland, Mr. Drake, pp. 375, 389, 419, 516, approved April 20, 1839.

An act farther to amend an act entitled an act to amend an act to incorporate the village of Niles, and the act or acts amendatory thereof, Mr. Bradford, pp. 381, 390, 401, 431, 441, approved April 16, 1839.

An act to organize a certain township in the county of Genesee, committee on towns and counties—Mr. Cook, pp. 440, 457, 475, 476, 491, approved April 19, 1839.

An act to legalize the annual township meetings for the year eighteen hundred and thirty-nine, Mr. Cook, pp. 442, 457, 500, 516, approved April 20, 1839.

An act to change the name of the township of Cady, in the county of Calhoun, committee on towns and counties—Mr. Cook, pp. 380, 388, 393, 434, approved April 15, 1839.

An act to change the June term of the supreme court of the state of Michigan, and the June term of the circuit court of the county of Ingham, committee on the judiciary—Mr. Wing, pp. 477, 496, approved April 20, 1839.

An act to amend part three, title one, chapter three, revised statutes, and for other purposes, committee on the judiciary—Mr. Wing, pp. 47, 57, 79, 121, approved February 7, 1839. [See also pp. 65, 71, 93, 96, 104, 122, 132, 172, 173, 174, 310, 360, 392.]

An act to organize the county of Barry, Mr. Gordon, pp. 48, 52, 182, 197, 247, 263, 269, approved March 15, 1839.

An act regulating prison limits, committee on the judiciary—Mr. Wing, pp. 93, 100, 103, 104, 111, approved February 5, 1839.

An act to legalize the election of school inspectors elected in the year 1837, committee on the judiciary—Mr. Harrington, pp. 189, 198, 203, 263, 269, approved March 15, 1839.

An act for the relief of the Detroit and Pontiac railroad company,

committee on internal improvement—Mr. Kingsley, pp. 196, 452, 512, passed April 20, 1839.

An act authorizing Isaac E. Crary, executor of the last will and testament of Ezra Convis, to sell certain lands, committee on the judiciary—Mr. Wing, pp. 336, 395, 401, 434, approved April 15, 1839.

An act to change the name of the first presbyterian church and society of Sharon and Bridgewater, Mr. Hawkins, pp. 478, 484, 496, approved April 20, 1839.

The following bills also originated in the Senate, but were not perfected into acts.

Bill to incorporate the Detroit and Ore Creek canal company, Mr. Cook, pp. 35, 42, 141, 180, laid on the table.

Bill to incorporate the Life Insurance and Trust company of Michigan, Mr. Harrington, p. 44.

Bill to provide for the appointment of circuit attorneys and to define their duties, committee on the judiciary—Mr. Wing, pp. 47, 56, 58, 59, 63, 173, 341, passed the Senate, lost in the House.

Bill for the further relief of the actual settlers upon university lands, Mr. Bradford, p. 47.

Bill to amend part two, title six, chapter two, revised statutes, committee on the judiciary—Mr. Gordon, pp. 54, 76, 117, 122, 127, laid on the table.

Bill to amend part one, title seven, chapter four, revised statutes, committee on the judiciary—Mr. Wing, pp. 64, 117, 128, 207, 227, laid on the table.

Bill authorizing a loan of a sum not exceeding one hundred thousand dollars, for the benefit of the St. Clair and Romeo railroad company, committee on claims—Mr. Cook, pp. 66, 128, 133, 180, 195, 379, 423, 466, enacting clause stricken out.

Bill to provide the mode of settling claims for the flowing of lands by the erection of mills, Mr. Hawkins, pp. 80, 137, 229, 269, 306, laid on the table.

Bill to establish a state bank, Mr. Kingsley, p. 82.

Bill to amend part three, title one, chapter five, revised statutes committee on the judiciary—Mr. Gordon, pp. 86, 108, 133, 136, 138, laid on table.

Bill to amend part three, title one, chapter six, section twenty-four, revised statutes, committee on the judiciary—Mr. Harrington, p. 86.

Bill relative to executions levied on real estate, and providing for setting off such real estate to the plaintiff in the execution, at a

- just appraised value, Mr. Bradford, pp. 96, 137, 170, 207, 303, 327, laid on the table.
- Bill to provide for the assessment and expenditure of highway taxes, in certain cases, committee on finance—Mr. Drake, pp. 123, 167, 380, 381, passed the Senate and transmitted to the House.
- Bill to authorize the building of a certain dam therein named, Mr. Gidley, pp. 136, 144, laid on the table.
- Bill to authorize the commissioners of Oakland county to borrow a certain sum, &c., Mr. Cook, pp. 149, 180, 184, laid on the table.
- Bill to alter the name of a certain township in the county of Jackson, Mr. Gidley, p. 191.
- Bill to organize a certain township, and for other purposes, Mr. Cook. [Several bills with this title were introduced in the Senate and House of Representatives respectively, and have not been distinguished one from another in the proceedings.]
- Bill to repeal the acts appointing and defining the powers and duties of bank commissioners, committee on incorporations—Mr. Hawkins, pp. 229, 299, 307, 326, 330, passed the Senate and transmitted to the House of Representatives.
- Bill to provide for the erection of suitable buildings for the branches of the university, Mr. Bradford, p. 232.
- Bill to repeal an act entitled an act in relation to supervisors, approved April 6, 1838, Mr. Drake, pp. 246, 248, passed the Senate and transmitted to the House of Representatives.
- Bill to repeal an act to incorporate the Macomb and Saginaw railroad company and for other purposes, approved August 24, 1835, committee on incorporations—Mr. Hawkins, pp. 253, 269, 313, 316, 320.
- Bill to provide for the election of Senators to Congress, committee on the judiciary—Mr. Gordon, pp. 253, 259, 260, 264, 267, 277, passed the Senate and transmitted to the House of Representatives.
- Bill to incorporate the Royal Oak and Farmington railroad company, Mr. Cook, p. 264.
- Bill for the relief of Martin Kundig, committee on state affairs—Mr. Woodbridge, pp. 275, 307, passed the Senate and transmitted to the House.
- Bill to amend part one, title nine, chapter six, revised statutes, Mr. Woodbridge, p. 277.
- Bill for the further distribution of the revised statutes and for other purposes, committee on state affairs—Mr. Woodbridge, pp. 294, 303, 310, 312, 316, 369, 371, passed by the Senate, transmitted to, and returned by the House, with amendments in which the Senate did not concur.

- Bill to prohibit the running of cars or other vehicles on the Sabbath, committee on state affairs—Mr. Woodbridge, p. 300.
- Bill to repeal an act to incorporate the village of Ypsilanti, committee on incorporations—Mr. Hawkins, pp. 303, 312, 314, laid on the table.
- Bill relative to county seat of Branch county, committee on towns and counties—Mr. Cook, pp. 315, 319, 354, 401, 418, 437, laid on the table.
- Bill to prescribe the powers and duties of justices of the peace in civil proceedings, committee on the judiciary—Mr. Harrington, pp. 319, 363, 365, 467, laid on the table.
- Bill to adjourn the April term of the Lenawee circuit court until the second Tuesday of June next, Mr. Greenly, p. 321.
- Bill to purchase the Detroit and Pontiac turnpike company, select committee—Mr. Trowbridge, p. 323.
- Bill to vacate the present seat of government of the state of Michigan, &c, Mr. Gordon, pp. 327, 332, 337, 338, 340, passed the Senate and transmitted to the House.
- Bill authorizing laying out a state road from Eaton centre to Grand Rapids, committee on roads and bridges—Mr. Curtis, pp. 335, 337, laid on the table.
- Bill to legalize the acts of the trustees of the first presbyterian society of the township of Troy in the county of Oakland, committee on the judiciary—Mr. Gordon, pp. 342, 419, passed the Senate and transmitted to the House of Representatives.
- Bill to provide for purchasing the Detroit and Pontiac railroad and for other purposes, committee on finance—Mr. Drake, pp. 360, 389, 394, 396, 400, 406, 412, passed the Senate and transmitted to the House of Representatives.
- Bill relating to proceedings as for contempts to enforce civil remedies and to protect the rights of persons in civil actions, committee on the judiciary—Mr. Wing, pp. 343, 405, 422, laid on the table.
- Bill to authorize laying out a state road from Brooklyn to county seat of Ingham, committee on roads and bridges—Mr. Curtis, p. 343.
- Bill to provide for the appointment of a vice chancellor and to prescribe his powers and duties, Mr. Harrington, p. 350.
- Bill to facilitate the construction of the public roads of this state, Mr. Woodbridge, pp. 359, 368.
- Bill to provide for the removal of criminals now in Berrien county jail to the state prison, Mr. Bradford, pp. 360, 362, 423, indefinitely postponed.
- Bill to vacate the board of commissioners of the state prison and to provide for the appointment of a new board, committee on state prison—Mr. Gidley, pp. 361, 367.
- Bill to provide for the filing of maps and profiles of the several

canals and railroads in this state in the office of the Secretary of State, committee on internal improvement—Mr. Kingsley, pp. 382, 376, passed the Senate and transmitted to the House of Representatives.

Bill to incorporate the Detroit and St. Joseph railroad bank, Mr. Kingsley, pp. 379, 390, 466, laid on the table.

Bill to incorporate the Bank of Huron river, Mr. Kingsley, pp. 384, 360, 465, laid on the table.

Bill to incorporate the stockholders of the Merchants' bank of Jackson county, Mr. Kingsley, pp. 384, 390, 466, laid on the table.

Bill to amend an act relative to the state geological survey, committee on state affairs—Mr. Greenly, p. 403, passed the Senate and transmitted to the House.

Bill to amend part one, title nine, chapter three, revised statutes, Mr. Woodbridge, pp. 404, 470, passed the Senate and transmitted to the House of Representatives.

Bill to change the name of Hartford to Lima, committee on towns and counties—Mr. Cook, p. 428, laid on the table.

Bill in relation to highways, Mr. Drake, p. 440, passed the Senate and transmitted to the House of Representatives.

Bill to authorize the Secretary of State to sell a certain number of the revised statutes, committee on the judiciary—Mr. Wing, p. 441, passed the Senate and transmitted to the House of Representatives.

Bill relative to Havre branch railroad, committee on internal improvement—Mr. Kingsley, pp. 462, 466, passed the Senate and transmitted to the House of Representatives.

Bill in relation to notaries public, Mr. Kingsley, p. 463, passed the Senate and transmitted to the House of Representatives.

Bill to repeal part three, title five, chapter two, section eleven, revised statutes, Mr. Cook, pp. 464, 466, passed the Senate and transmitted to the House of Representatives.

Bill relative to justices of the peace, Mr. Wing, pp. 488, 491, passed the Senate and transmitted to the House of Representatives.

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### Joint resolutions originating in the Senate.

Resolved that the joint rules of the last session continue in force until otherwise ordered, Mr. Woodbridge, pp. 4, 5, adopted.

Resolved that a joint committee inform the Governor that both Houses were organized, Mr. Kingsley, pp. 5, 6, 8, adopted.

Resolved that a joint committee of supplies be appointed, Mr. Summers, pp. 5, 39, adopted.



- Resolved that a marine hospital ought to be erected at or near Detroit—instructing delegation to Congress, Mr. Woodbridge, pp. 7, 36, 135, 138, approved February 12, 1830.
- Resolved that the Secretary of State furnish tables with Blois' Gazetteer, Mr. Etheridge, pp. 48, 59, 70, 111, approved February 5, 1830.
- Resolved that a light house be erected at the mouth of Clinton river—instructing delegation to Congress, Mr. Summers, pp. 80, 95, 103, 112, 121, approved February 7, 1830.
- Resolved that the county commissioners of Wayne negotiate with the collector of Detroit relative to transfer of county poor house, Mr. Kercheval, pp. 136, 169, 182, approved February 21, 1830.
- Resolved that the Governor fill all vacancies in the militia, Mr. Kercheval, pp. 261, 265, 269, 280, 284, approved March 9, 1830.
- Resolved that township assessors ascertain number of persons liable to militia duty, Mr. Cook, pp. 204, 280, 284, approved March 19, 1830.
- Resolved that the accounts of state prison commissioners be audited and settled, Mr. Summers, pp. 325, 329, 331, 334, 339, 357, 374, approved April 10, 1830.
- Resolved that the Auditor General, Secretary of State, &c., be commissioners to settle with Michigan state bank, Mr. Kingsley, pp. 441, 448, 464, 474, approved April 19, 1830.
- Resolved that the members and officers of Legislature be entitled to copies of revised and session laws, &c., Mr. Drake, pp. 442, 448, 456, 464, approved April 18, 1830.
- Resolved that the Secretary of State contract for wood, Mr. Drake, pp. 483, 486, 496, approved April 20, 1830.
- Resolved that the fund commissioners contract for running cars on central railroad, Mr. Gordon, pp. 511, 513, adopted by both Houses, but vetoed by Executive.
- Resolved that the Attorney General furnish his opinion as to the Farmers' and Merchants' Bank of St. Joseph, Mr. Bradford, pp. 55, 61, 62, 75, 85, 108, adopted by both Houses.
- Resolved that a joint committee inquire of the commissioners of internal improvement, Mr. Summers, p. 42, adopted by the Senate and transmitted to House of Representatives.
- Resolved that the United States give to Michigan certain lands on the route to Mackinac and Lake Michigan, committee on manufactures—Mr. Etheridge, pp. 51, 93, 171, 172, 179, adopted by the Senate and transmitted to the House of Representatives.
- Resolved that the Legislature sell so much of the lands reserved for the use of salt springs, committee on manufactures—Mr. Etheridge, pp. 51, 93, 95, 101, lost.

- Resolved that a harbor be constructed at the mouth of Black river, Mr. Kingsley, instructing delegation in Congress, p. 52, adopted by the Senate and transmitted to the House of Representatives.
- Resolved that there be a nautical survey of Lake Erie, Mr. Bradford, instructing delegation in Congress, p. 62, adopted by Senate and transmitted to the House of Representatives.
- Resolved that the state geological survey be suspended, Mr. Summers, pp. 79, 101, 216, 225, 403, see bill of relevant tenor.
- Resolved that the commissioners of internal improvement alter the location of the Havre branch railroad, Mr. Kercheval, p. 100, laid on the table.
- Resolved that the election of U. S. Senator take place on Tuesday, February 19th inst., Mr. Greenly, p. 135, laid on the table.
- Resolved that the Governor employ an agent to purchase two acres on the line of the northern railroad, Mr. Harrington, pp. 137, 167, 319.
- Resolved that a joint committee examine the amount claimed to be due from the state to James B. Hunt, &c., Mr. Cook, p. 144, laid on the table.
- Resolved that the two houses go into joint convention to elect an U. S. Senator on Thursday, February 14, Mr. Harrington, p. 145, withdrawn.
- Resolved that the concurrence of Ohio and Indiana be asked in opening a road from Cincinnati to the centre of the south line of Michigan, Mr. Etheridge, pp. 179, 287, passed the Senate and transmitted to the House of Representatives.
- Resolved that the revised statutes be distributed to certain officers and institutions therein named, Mr. Harrington, p. 190.
- Resolved that the legislature adjourn on Monday, April 1, 1839, Mr. Gidley, pp. 244, 326.
- Resolved that all chartered canal or railroad companies shall file surveys in office of Secretary of State, Mr. Etheridge, pp. 269, 314.
- Resolved that the Auditor General audit account of survey from Centreville to Niles, Mr. Greenly, p. 271.
- Resolved that George R. Griswold and Elijah J. Roberts be state printers, Mr. Summers, pp. 326, 332.
- Resolved that the Secretary of State and the Auditor General settle with the Michigan state bank, Mr. Hawkins, pp. 339, 340.
- Resolved that the Treasurer of the State draw check for fifteen thousand dollars, Mr. Hawkins, pp. 348, 369, laid on the table.
- Resolved that the contract for the five million loan be varied, Mr. Kercheval, pp. 360, 415.

- Resolved that all moneys, &c., shall be expended on the eastern end of the northern railroad, Mr. Summers, pp. 394, 401, 405.
- Resolved that the joint resolution passed April 2, 1839, be repealed, Mr. Harrington, pp. 412, 417, 421, 423.
- Resolved that an election for U. S. Senator be held April 15, 1839, Mr. Bradford, p. 413.
- Resolved that the joint resolution to adjourn on the 17th inst. be repealed, Mr. Greenly, pp. 452, 453, 490.
- Resolved that the two Houses meet in joint convention to elect eight state bank directors, Mr. Kingsley, pp. 466, 470, also, 473, 478.
- Resolved that the Secretary of State take charge of the capitol, Mr. Drake, p. 468.
- Resolved that the commissioners to settle with state bank credit said bank with one hundred and twenty dollars, Mr. Drake, pp. 476, 484.
- Resolved that the chairman of the committee on finance, (Senate) and the chairman of the committee of ways and means, (House of Representatives) prepare for publication, &c., Mr. Woodbridge, p. 485.
- Resolved that George R. Griswold be state printer, Mr. Summers, pp. 487, 494, lost.
- Resolved that the State Treasurer pay the several clergymen, &c., Mr. Trowbridge, p. 488.
- Resolved that John S. Bagg be state printer, Mr. Summers, p. 497, adopted.
- Resolved that the act for the regulation of internal improvement, &c., having been improperly enrolled, &c., Mr. Bradford, p. 502.

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**Acts and bills transmitted to the Senate from the House of Representatives, selected on account of the discussion had thereon.**

- Act to establish the state bank of Michigan, pp. 255, 260, 270, 278, 281, 282, 285, 288, 295, approved April 1, 1839.
- Act for the regulation of internal improvements, and for the appointment of a board of commissioners, pp. 401, 408, 442, 469, 470, 471, 478, 496, 500, 502, 503, 506, 511, 514, approved April 20, 1839.
- Bill making appropriations to John S. Bagg, pp. 96, 141, 175, 180, 185, 192, 201, 205, 241, 245, 256, 362, 363, 366, 369, 374, 382, 387, 401, 437, 477, 490, also pp. 472, 485. This bill was finally merged in the act making appropriations for 1839.

Bill for the relief of certain settlers on university and state lands, pp. 196, 211, 332, 344, 367, 375, 382, 391, 398, passed both Houses and vetoed by the Executive.

### Standing Committees.

Committee on the judiciary—senators Wing, Gordon, Harrington, p. 7.

Resolutions of instruction, see pp. 34, 35, 37, 40, 42, 44, 45, 46, 47, 48, 56, 59, 64, 65, 67, 68, 70, 80, 118, 131, 167, 171, 173, 174, 184, 197, 206, 207, 213, 232, 251, 252, 255, 261, 286, 304, 311, 335, 349, 353.

Bills, petitions, &c., referred, pp. 41, 57, 58, 60, 63, 66, 72, 82, 92, 95, 102, 104, 124, 134, 137, 138, 147, 167, 169, 172, 173, 176, 177, 201, 212, 231, 247, 281, 301, 325, 326, 332, 334, 349, 350, 364, 366, 370, 371, 374, 385, 391, 393, 401, 422, 424, 464.

Reports, pp. 47, 54, 57, 64, 86, 93, 112, 136, 173, 177, 181, 189, 200, 202, 229, 237, 248, 253, 260, 304, 310, 319, 330, 336, 342, 343, 355, 368, 380, 384, 402, 415, 440, 441, 463, 466, 477, 491.

Committee on internal improvement—senators Kingsley, Bradford, Drake, p. 7. Summers, McCamly, pp. 171, 180.

Resolutions of instruction, pp. 45, 148, 184, 335.

Bills, petitions, &c. referred, pp. 34, 36, 40, 41, 42, 46, 54, 60, 86, 108, 124, 136, 147, 167, 171, 176, 177, 183, 184, 193, 196, 211, 215, 221, 235, 228, 231, 241, 262, 270, 271, 279, 302, 314, 329, 348, 358, 359, 361, 380, 382, 384, 394, 402, 403, 416, 430, 477, 500.

Reports, pp. 50, 72, 141, 172, 196, 199, 219, 220, 224, 226, 229, 237, 314, 319, 322, 334, 362, 369, 386, 389, 401, 415, 439, 462, 488, 503.

Committee on state affairs—senators Woodbridge, Greenly, Etheridge, p. 7.

Resolutions of instruction, pp. 178, 226, 306, 332, 340.

Bills, petitions, &c. referred, pp. 36, 40, 41, 59, 62, 70, 72, 76, 87, 132, 147, 190, 195, 196, 204, 211, 212, 213, 222, 225, 226, 227, 233, 236, 244, 251, 260, 281, 301, 303, 310, 319, 325, 329, 335, 339, 340, 343, 351, 388.

Reports, 76, 77, 167, 193, 265, 271, 275, 281, 287, 294, 300, 310, 323, 329, 339, 344, 349, 354, 361, 397, 402, 403.

Committee on incorporations—senators Hawkins, Cook, Trowbridge, p. 7. Etheridge, Kercheval, p. 209.

Resolutions of instruction, pp. 53, 55, 68, 78, 84, 91, 117, 119, 184, 252.

Bills, petitions, &c. referred, pp. 34, 43, 44, 47, 75, 100, 132, 135, 176, 193, 196, 205, 224, 230, 255, 265, 333, 343, 365, 375, 379, 384, 388, 403.

Reports, pp. 82, 123, 170, 225, 229, 253, 260, 303, 335, 340, 371, 389, 390, 436.

Committee on literature—senators Greenly, Bradford, Kingsley, p. 7.

Resolution of instruction, p. 46.

Bills, petitions, &c. referred, pp. 41, 58, 60, 75, 103, 176, 202, 222, 245, 301, 305, 310, 342, 349, 351, 364, 456, 476.

Reports, pp. 77, 196, 200, 212, 253, 311, 319, 352, 355, 364, 369, 456, 478, 483.

Committee on finance—senators Drake, Curtis, Wing, Cook, Gidley, p. 7. Cook, Gidley, p. 45.

Resolutions of instruction, pp. 42, 48, 51, 62, 96, 139, 150, 232, 233, 244, 388, 463, 485.

Bill, petitions, &c. referred, pp. 41, 43, 60, 61, 69, 70, 98, 112, 120, 132, 304, 320, 340, 359, 381, 403, 454, 473.

Reports, pp. 123, 135, 141, 189, 213, 322, 323, 352, 355, 360, 379, 384, 472, 484.

Committee on the militia—senators' Cook, Kercheval, Summers, p. 7. Woodbridge, Wing, p. 233.

Resolution of instruction, p. 174.

Bills, &c. referred, pp. 33, 364.

Reports, pp. 261, 379, 440.

Committee on claims—senators Gordon, McCamly, Cook, p. 7. Kercheval, 319.

Resolution of instruction, p. 190.

Bills, &c. referred, pp. 37, 43, 57, 60, 65, 66, 79, 105, 121, 170, 177, 190, 232, 237, 253, 262, 279, 313, 329, 331, 334, 349, 402, 415, 416, 462.

Reports, pp. 66, 323, 362, 364, 369, 435, 472.

Committee on expiring laws—senators Bradford, Hawkins, Harrington, p. 7.

Committee on enrolled bills—senators Harrington, Hawkins, Cook, p. 7. Kercheval, pp. 218, 219.

Reports, pp. 104, 108, 112, 135, 219, 270, 281, 303, 368, 369, 380, 402, 437, 440, 462.

Committee on roads and bridges—senators Curtis, Etheridge, Summers, p. 7.

Resolution of instruction, p. 168.

Bills, &c. referred, pp. 57, 66, 93, 104, 167, 221, 232, 303, 360, 368, 385, 416.

Reports, 335, 343, 428.

Committee on state prison—senators Gidley, Cook, Kercheval, p. 7. McCamly, Drake, p. 327.

Resolution of instruction, p. 353.

- Bills, &c. referred, pp. 41, 57, 72, 124, 326, 334, 342.  
 Reports, pp. 195, 336, 350, 361.  
 Committee on towns and counties—senators Cook, Drake, Etheridge, p. 7. Summers, Curtis, p. 319.  
 Resolution of instruction, p. 120.  
 Bills, &c. referred, pp. 38, 52, 54, 57, 60, 64, 76, 86, 93, 100, 104, 189, 200, 201, 202, 212, 215, 221, 224, 227, 263, 310, 311, 312, 314, 331, 359, 374, 388, 393, 433.  
 Reports, pp. 182, 212, 213, 215, 226, 249, 282, 315, 323, 360, 380, 414, 428, 446, 462.  
 Committee on manufactures—senators Etheridge, McCamly, Curtis, p. 7.  
 Bill, &c. referred, p. 41.  
 Report, p. 50.  
 Committee on agriculture—senators Trowbridge, Gidley and Summers, p. 7.  
 Resolution, p. 113.  
 Bills, &c. referred, pp. 41, 202, 314, 331.  
 Reports, pp. 195, 215, 322, 352.  
 Committee on elections—senators McCamly, Bradford, Gordon, p. 7.  
 Bills, &c. referred, p. 359.  
 Reports, pp. 264, 361.  
 Committee on state library—senators Summers, Bradford, Woodbridge, pp. 39, 47.  
 Bills, &c. referred, pp. 133, 177, 61.  
 Report, p. 136.  
 Committee on printing—senators Harrington, Kercheval, Drake, p. 7. Curtis, Gidley, p. 193.  
 Resolution of instruction, p. 236.  
 Bills, &c. referred, p. 192.  
 Reports, pp. 69, 241.  
 Committee on unfinished business—senators Woodbridge, Kingsley, Cook, pp. 64, 67.  
 Report, p. 170.

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### Joint Committees (on the part of the Senate.)

- Committee on supplies—senators Drake, Trowbridge, pp. 5, 46, 40.  
 Committee to inform the Governor that the two houses were organized, &c.—senators Kingsley, Gordon, p. 5, 6, 8.  
 Committee on so much of the Governor's message as requests a committee of investigation on the manner of the five million

- loan—senators Hawkins, Woodbridge, Greenly, Cook, Harrington, Gordon, Etheridge, pp. 42, 49, 77.  
 Committee in relation to Washtenaw and Clinton banks—senators Kercheval, Gidley, Curtis, p. 69, 86, 170.  
 Committee to report rules for joint conventions—senators Harrington, Kercheval, Gordon, pp. 316, 349.
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### Select Committees.

- Committee to inform House of Representatives that the Senate were organized, &c.—senators Bradford, Trowbridge, pp. 4, 5.  
 Committee to report rules of order—senators Bradford, Woodbridge, Summers, pp. 4, 38.  
 Committee to report the names of suitable persons, for officers of the Senate—senators Bradford, Woodbridge, Greenly, Kingsley, Harrington, Trowbridge, McCamly, pp. 5, 6, 31, 32, 35.  
 Committee to invite the several clergymen of the city of Detroit, &c.—senators Trowbridge, Kercheval, p. 33.  
 Committee on so much of the Governor's message as relates to imprisonment for debt—senators Bradford, Gordon, Greenly, pp. 41, 57, 104, 147.  
 Committee to inquire into the securities given by the several companies, &c.—senators Drake, Cook, Gidley, p. 53.  
 Committee to inquire what appropriations are needed for state harbors—senators Bradford, Wing, Harrington, pp. 52, 98, 100.  
 Committee to investigate affairs of River Raisin and Lake Erie railroad company—senators Wing, Kercheval, Gordon, p. 55.  
 Committee to inquire whether the board of internal improvement have loaned any money belonging to the state, &c.—senators Drake, Greenly, Harrington, Summers, pp. 65, 69, 150, 169.  
 Committee to take into consideration the case of Hiram Alden,—senators Etheridge, Woodbridge, Summers, pp. 94, 96, 177, 190.  
 Committee to inquire whether the Detroit and Pontiac turnpike company have neglected to comply with provisions of incorporation—senators Drake, Woodbridge, McCamly, Trowbridge, Wing, pp. 111, 113, 180, 287, 323.  
 Committee to inquire into the constitutionality and expediency of purchasing from the Indians the lands west of Chocolate and Skanawba rivers, &c.—senators McCamly, Woodbridge, Bradford, pp. 132.  
 Committee to whom was referred the bill relative to levying exe-

- cutions on real estate, &c.—senators Bradford, Drake, Etheridge, pp. 137, 170, 226.
- Committee to inform House of Representatives that the Senate were not ready to act on nomination of superintendent of public instruction—senators Bradford, Kercheval, p. 138.
- Committee to inform the House of Representatives that the Senate will meet in joint convention for electing United States senator—senators Drake, Kercheval, p. 149.
- Committee to confer with House of Representatives in relation to the 22d of February—senators Gidley, Greenly, p. 188.
- Committee on the communication from president of Michigan state bank—senators Etheridge, Kercheval, Wing, p. 201, 202, 205, 206, 207.
- Committee to which was referred the petitions relative to county seat of Ottawa—senators McCamly, Etheridge, Gidley, p. 201.
- Committee to inquire into the manner of expending the public funds in erecting the state prison—senators Drake, McCamly, Gidley, pp. 213, 252, 259, 316, 354.
- Committee to inquire where the State Treasurer deposits the public moneys—senators Drake, Kingsley, Woodbridge, pp. 220.
- Committee to inquire into the expediency of purchasing the Pontiac railroad for the state—senators Drake, Hawkins, McCamly, p. 245.
- Committee on petition of two hundred and forty ladies of Monroe—senators Greenly, Wing, Summers, p. 313.
- Committee to locate the branches of the state bank—senators Summers, Drake, Kercheval, Wing, Kingsley, Bradford, Gordon, pp. 421, 442.
- Committee to request the Governor not to sign the bill for the regulation of internal improvements, &c.—senator Kingsley, p. 496, 500.
- Committee to wait on House of Representatives and ascertain their views on entertaining the nominations by the Governor of commissioners of internal improvement—senators Kingsley, Gordon, Greenly, p. 514.
- Committee to inform the Governor and House of Representatives that the Senate were ready to adjourn—senators Gordon, Harrington, p. 519.



## Committees of Conference.

- Committee of conference on the bill providing for the payment of the expenses of the regents of the university—senators Bradford, Hawkins, Greenly, pp. 85, 87, 104.
- Committee on the bill to authorize the removal of certain convicts to the state prison—senators Summers, Greenly, Gidley, pp. 210, 211, 213.
- Committee on joint resolution relative to United States senator—senators Summers, Kercheval, Gidley, Curtis, pp. 241, 246, 247.
- Committee on the bill to amend title two, part three, revised statutes—senators Woodbridge, Kingsley, Bradford, pp. 264, 271.
- Committee on the bill to abolish imprisonment for debt, &c.—senators Summers, Woodbridge, Harrington, pp. 284, 293, 294, 298, 299, 332, 351, 359.
- Committee on bill defining the boundaries of Sanilac—senators Summers, Drake, Harrington, p. 310.
- Committee on the bill to amend the revised law in relation to taverns and other licensed houses—senators Bradford, Harrington, McCamly, pp. 332, 335, 361.
- Committee on joint resolution relative to a certain account on the survey of the southern railroad line—senators Summers, Wing, Gordon, pp. 359, 438.
- Committee on the bill making appropriation to John S. Baggs—senators Harrington, Wing, Woodbridge, Gordon, pp. 383, 387, 401, 437, 477.
- Committee on the bill supplementary to the act to establish the state bank of Michigan—senators Hawkins, Bradford, Wing, pp. 393, 399.
- Second committee on same—senators Hawkins, Kingsley, Kercheval, pp. 399, 401.
- Committee on bill for the assessment and collection of taxes for 1838—senators Bradford, Woodbridge, Gordon, pp. 396, 399, 438, 448.
- Committee on bill to incorporate St. Philip's college—senators Kercheval, Woodbridge, Drake, pp. 418, 431.
- Committee on bill to provide for regulating the terms of circuit courts in certain counties—senators Wing, Harrington, Curtis, pp. 454.
- Committee on bill to provide for the payment of certain claims therein mentioned—senators Kercheval, Gordon, Cook, pp. 456, 474.
- Committee on bill to amend the act to provide for the appointment of state printer—senators Harrington, Curtis, Kercheval, pp. 470, 475, 486.

- Committee on bill for the regulation of internal improvements—  
senators Kingsley, Summers, Bradford, pp. 470, 471, 478.  
Committee on joint resolution relative to the payment of the super-  
intendent of public instruction—senators Drake, Gidley, Green-  
ly, p. 470.  
Committee on bill for the relief of Calvin C. Parks and others—  
senators Cook, Wing, Kercheval, pp. 477, 484, 486.  
Committee on question of competency arising on bill making ap-  
propriations to John S. Bagg—senators Curtis, Kercheval,  
McCamly, pp. 477, 484, 490.  
Committee on joint resolution relative to adjournment—senators  
Bradford, Curtis, Greenly, p. 490.  
Committee on bill making appropriations for the year 1839—  
senators Gidley, Woodbridge, Kercheval, pp. 490, 491.  
Committee on bill making appropriations for internal improve-  
ment—senators Bradford, Hawkins, Harrington, pp. 512,  
514.

### Committees of the Whole.

- In the chair—senator Bradford, pp. 26, 202, 307, 337, 396, 423.  
In the chair—senator Cook, pp. 36, 172, 198, 367, 422, 465.  
In the chair—senator Curtis, pp. 56, 58, 59, 206, 288, 321, 337,  
354, 367, 382, 465.  
In the chair—senator Drake, pp. 117, 207, 227, 305, 311.  
In the chair—senator Etheridge, pp. 59, 231, 311, 354, 365.  
In the chair—senator Gidley, pp. 65, 71, 199, 256, 304, 307, 316,  
320, 352, 363, 365, 397, 400, 448.  
In the chair—senator Gordon, pp. 138, 234, 245, 260, 352.  
In the chair—senator Greenly, pp. 63, 199, 207, 269, 283, 303,  
227, 376, 421, 440, 449.  
In the chair—senator Harrington, pp. 63, 168, 245, 278, 281,  
282, 285, 316, 322, 366, 424.  
In the chair—senator Hawkins, pp. 76, 117, 122, 251, 305, 334.  
In the chair—senator Kercheval, pp. 63, 238, 283, 418.  
In the chair—senator Kingsley, pp. 80, 108, 133, 269, 320,  
422.  
In the chair—senator McCamly, pp. 80, 94, 98, 195, 199, 306,  
310, 325, 350.  
In the chair—senator Summers, pp. 167, 184, 342.  
In the chair—senator Trowbridge, pp. 94, 269, 330.  
In the chair—senator Wing, pp. 93, 128, 219, 269, 318, 342, 346,  
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**Townsend E. Gidley, senator from the fifth district.**

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**J. Wright Gordon, senator from the sixth district.**

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**William L. Greenly, senator from the second district.**

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**Ebenezer B. Harrington, senator from the fourth district.**

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- Sergeant-at-arms pro tem., Oliver Cooper, p. 3.**
- Door keeper pro tem., Clark Butler, p. 3.**

The regular session of 1839 commenced January 7th, and ended April 30th; and occupied one hundred and five days. During that time, were one hundred and seventeen acts passed, and thirty-five joint resolutions adopted. Of the former, forty, and of the latter, twelve, originated in the Senate. The whole number of bills originating in the Senate, but not perfected into acts, was fifty, and of joint resolutions arrested before consummation thirty-two. The legislative calendar thus exhibits evidence of much industry, and the volumes containing the Journal and the Documents are proofs of the diligence, research and ability of Senators.

The Index is novel, as well in form as in arrangement; whether the innovations merit praise or censure is deferentially submitted to the judgment of those particularly affected by them. The deviation from the usual method was not suggested by the mere desire of change, nor by any affectation of originality; but is the result of careful reflection, assiduous labor, and an anxious solicitude, on the part of the Secretary of the Senate, to deserve the commendations so generously bestowed and so gratefully appreciated. The Index consists of the following parts, viz :

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Under one or other of the above subdivisions every inquiry of moment may, it is thought, be satisfied. It was not deemed advisable to set forth, alphabetically, all the petitions, memorials, &c., presented during the session. The bulk of the volume would, thereby, have been increased without correspondent benefit.

No index has been given of the Executive Journal. But one subject—that of official appointment—was discussed by the Senate in executive session, and the entire proceedings are exhibited within so small a compass, that reference can be very readily made to any particular portion of them.

The errata have not been designated. The State Printer has manifested a commendable care in carrying the Journal through the process of publication, and such errors as have occurred in the typography are mere exceptions which it would appear invidious to designate.



# EXECUTIVE JOURNAL.

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MONDAY JANUARY 14, 1839.

The President announced two messages from the Executive, as follows :

*To the Senate :*

I hereby nominate the following individuals to the offices affixed opposite their names respectively, viz :

J. N. Chipman, R. C. Paine, notaries public, Berrien county.

Ira Tillotson, Jas. S. Sandford, John Willard, Marvin Preston, Charles Sentill, Jesse Crowell, Arza Lewis, E. L. Stillson, notaries public, Calhoun county.

Franklin Cowdery, notary public, Washtenaw county.

Charles Blair, notary public, Lenawee county.

Alexander H. Adams, notary public, Wayne county.

S. T. MASON.

*Detroit, January 14, 1839.*

*To the Senate :*

I hereby nominate Joseph Miller, jr., for the office of master in chancery for the county of Kalamazoo.

S. T. MASON.

*Detroit, January 14, 1839.*

On motion of Mr. Bradford, the Senate ordered an executive committee to consist of one from each senatorial district ; whereupon

The President appointed as said committee, Messrs. Bradford, Kercheval, Curtis, Trowbridge, Harrington, Kingsley and McCamly.

On motion of Mr. Wing, the preceding nominations were referred to the executive committee.

On motion of Mr. Curtis,  
The doors of the Senate chamber were opened.

### WEDNESDAY, JANUARY 16.

The President announced the following message from the Executive :

*To the Senate :*

I hereby nominate the following individuals for the offices affixed opposite their names respectively, viz :

George Danforth, Washtenaw county, master in chancery.

William J. Moody, master in chancery, Jackson county.

Joseph R. Bowman, notary public, Oakland county.

Elisha Taylor, S. Humes Porter, notaries public, Wayne county.

Thomas S. At Lee, notary public, Kalamazoo county.

S. T. MASON.

EXECUTIVE DEPARTMENT,  
Jan. 16, 1839.

On motion of Mr. Kercheval,

The above nominations were referred to the executive committee.

On motion of Mr. Wing,

The doors of the Senate chamber were opened.

### TUESDAY, JANUARY 22.

The President announced the following message from the Executive :

*To the Senate :*

I hereby nominate the following individuals for the offices affixed opposite their names respectively, viz :

Digby V. Ball, bank commissioner.

Charles P. Ames, notary public, St. Joseph county.

James Sullivan, master in chancery, Berrien county.

Julius C. Abel, notary public, Kent county.

Calvin Townsen, notary public, Washitaw county:

Walcott G. Branch, notary public for Hillsdale county, vice  
E. B. Seelye, resigned.

William W. Murphy, notary public, Hillsdale county.

Jacob Whitney, notary public, Hillsdale county.

Sylvester W. Mills, notary public, Calhoun county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
Jan. 22, 1839. }

On motion of Mr. Summers, the nomination of Digby V. Bell  
was laid on the table.

Mr. Bradford, from the executive committee, reported for con-  
firmation the nominations submitted to the Senate on the 14th  
instant.

On motion of Mr. Hawkins, the nominations of Messrs. Tillot-  
son, Sandford, Preston and Lewis, also that of Mr. Moody, (see  
proceedings of 16th instant,) were laid on the table.

On motion of Mr. Wing, the nomination of Mr. Cowdery (see  
proceedings of 14th instant,) was laid on the table.

The remaining nominations in the three messages of the 14th  
and 16th instant, were advised and consented to, by the following  
vote.

#### YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,
Mr. Curtis,	Mr. Hawkins,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,
Mr. Greenly,		

12

#### NAYS.

6

On motion of Mr. Greenly,

The doors of the Senate chamber were opened.



MONDAY, JANUARY 28.

The President announced a message from the Executive in the following words :

*To the Hon. the Senate*

*of the State of Michigan :*

I hereby nominate John Stockton, as notary public for the county of Macomb ; and Samuel Higbee, as master in chancery for the county of Jackson.

S. T. MASON.

*Detroit, January 28, 1839.*

On motion, said nominations were referred to executive committee.

On motion of Mr. Kingsley, the Senate advised and consented to Calvin Townson's nomination, minutes of 22d instant, by the following vote :

YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Summers,	
Mr. Greenly,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Harrington,			10

NAYS.

0

The nomination of Franklin Cowdery, (see minutes of 14th and 22d instant,) was taken up and advised and consented to by the following vote :

YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. Summers,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Greenly,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Harrington,	Mr. McCamly,		10

NAYS.

0

On motion of Mr. Hawkins, the doors of the Senate chamber were opened.

TUESDAY, FEBRUARY 26.

The President announced four messages from the Governor as follows :

*To the Senate :*

I hereby nominate the following individuals to the offices affixed opposite their names respectively, viz :

Elijah W. Morgan, master in chancery and notary public, Washtenaw county.

Norton R. Ramsdell, notary public, Washtenaw county.

Milton N. Halsey, master in chancery, Lenawee county.

Walter Clark, master in chancery, Kalamazoo county.

Charles M. Eldridge, notary public, Oakland county.

Ebenezer W. Fairfield, notary public, Lenawee county.

Charles H. Van Dorn, notary public, Jackson county.

Thomas B. Church, notary public, Calhoun county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
Feb. 1, 1839. }

EXECUTIVE OFFICE, }  
Detroit. }

*To the Senate :*

I hereby nominate the following individuals to the offices set opposite their names respectively, viz :

Horace Hinman, notary public, Lapeer county.

Alpheus S. Williams, Isaac S. Rowland, notaries public, Wayne county, whose term of service has expired.

James A. Van Dyke, notary public, Wayne county, whose term of service has expired.

Salem T. King, notary public, Hillsdale county, whose term of service has expired.

Andrew Parsons, notary public, Shiawassee county.

William P. Crandall, notary public, Genesee county.

Edward P. Harris, Notary public, Oakland county.

Luther H. Truck, notary public, Kalamazoo county.

H. B. Stillman, notary public, Branch county.

Allen Goodridge, notary public, Wayne county.

George E. Hand, Anthony Ten Eyck, Henry N. Walker,

Charles H. Stewart and John B. Bispham, masters in chancery, Wayne county.

William A. Richmond, notary public, Kent county.

Robert Warden, jr., notary public, Livingston county.

Thomas Whelpley, notary public, Monroe county.

Lucius Lyon, Isaac E. Crary, Jonathan Kearsley, regents of the university of Michigan, whose term of service has expired.

S. T. MASON.

*February 18, 1839.*

*To the Senate :*

I hereby nominate the following individuals to the offices affixed opposite their names respectively, viz :

Thomas Love,<sup>1</sup> Geo. W. Hoffman, notaries public, Berrien county.

Edjar Jenkins, inspector beef, pork, &c. St. Clair county.

Benj. Osgood, notary public and master in chancery, St. Joseph county.

Elijah G. Bingham, notary public, Allegan county.

Henry C. Lybrook, notary public, Cass county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
Feb. 19, 1839. }

EXECUTIVE DEPARTMENT, }  
Feb. 26, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices affixed to their respective names, viz :

Columbia Lancaster, Aaron C. Wait, notaries public, St. Joseph county.

James G. Rumsey, notary public, Washtenaw county.

D. A. A. Easworth, notary public, Lenawee county.

Thomas H. Marsh, notary public, Washtenaw county.

Samuel P. Fuller, notary public, Washtenaw county.

George Byrne, notary public, Jackson county.

Samuel G. Watson, master in chancery, Oakland county.

S. T. MASON.

On motion of Mr. Kercheval, said nominations were referred to the executive committee.

On motion of Mr. Bradford, the doors were opened.

### WEDNESDAY, FEBRUARY 27.

Mr. Bradford, from the executive committee, reported back the several nominations referred to them.

The nomination of Messrs. Lancaster and Stuart, were laid on table.

The nomination of W. J. Moody was taken up and non-consented to, as follows :

#### YEAS.

Mr. Bradford,	Mr. Kingsley,	Mr. McCamly,	
Mr. Gidley,			4

#### NAYS.

Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Etheridge,	Mr. Summers,	Mr. Woodbridge,	
Mr. Greenly,	Mr. Trowbridge,		8

The nominations of Tillotson, Sandford, Preston and Lewis (see minutes of 22d Jan.) were taken up and agreed to, as follows :

#### YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kingsley,	Mr. Wing,	
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,	12

#### NAYS.

0

The nominations reported back by the executive committee were then advised and consented to, as follows :

#### YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,
Mr. Curtis,	Mr. Kercheval,	Mr. Trowbridge,
Mr. Etheridge,	Mr. Kingsley,	Mr. Wing,
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,

NAYS.

9

The doors of the Senate chamber were then opened.

FRIDAY, MARCH 16.

The President announced the three following messages from the Executive :

EXECUTIVE DEPARTMENT, }  
March 1, 1839. }

To the Senate :

I hereby nominate the following persons to the offices attached to their respective names :

Charles Willcox, David H. Rowland, notaries public, Wayne county.

Adams Peabody, notary public, Berrien county.

Edgar Jenkins, inspector of fish, St. Clair county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
March 6, 1839. }

To the Senate :

I hereby nominate the following persons to the offices attached to their respective names :

Salmon Sharp, Wray T. Palmer, notaries public, Hillsdale county.

Charles W. Richardson, notary public, Lapeer county.

Wells R. Martin, notary public, Eaton county.

Salmon King, notary public, Kalamazoo county.

Jabez Lamb, and Prentiss S. Hewitt, notaries public, Calhoun county.

E. J. Roberts, master in chancery, Wayne county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
March 15, 1839. }

To the Senate :

I hereby nominate the following persons to the offices attached to their respective names :

John W. Brewster, Winthrop Worthing, notaries public, Oakland county, whose commission has expired.

Leonard Edsworth, notary public, Branch county, whose commission has expired.

James Platt, notary public, Washtenaw county, whose commission has expired.

Ahira G. Eastman, Moses B. Cook, Alexander R. Tiffany, Milton N. Halvey, notaries public, Lenawee county, whose commissions have expired.

Ahira G. Eastman, master in chancery, Lenawee county.

Fernando C. Beaman, notary public, Lenawee county.

David B. Hicks, inspector of staves and headings, Monroe county.

Job Smith, Elijah Hawley, notaries public, Wayne county.

Henry N. Walker, notary public, Wayne county, whose commission has expired.

S. T. MASON.

On motion of Mr. Woodbridge, the same were referred to the executive committee with instructions to inquire into the expediency of reducing the number of notaries public.

Mr. Summers moved to reconsider the nomination of Mr. Moody, which motion was laid on the table.

On motion of Mr. Bradford, the doors of the Senate chamber were opened.

## THURSDAY, MARCH 21.

The president announced the following message from the Executive :

EXECUTIVE DEPARTMENT, }  
March 19, 1856. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Edwin North and Bethuel Church, notaries public Ottawa county.

Allen Goodrich, notary public, St. Joseph county.

Stephen Parish, notary public, Washtenaw county.  
 Moses P. Crowell, notary public, Jackson county.  
 Lorenzo M. Mason, Daniel B. Cady, John K. Smith, masters  
 in chancery, St. Clair county.  
 John S. Heath, William B. Barron, Curtis Bellows, Joel  
 Tucker, notaries public, St. Clair county.

S. T. MASON.

The doors of the Senate chamber were then opened.

### MONDAY, MARCH 25.

The President announced the following message from the executive :

EXECUTIVE DEPARTMENT, }  
 March 25, 1839. }

*To the Honorable the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Henry Phelps, notary public, Oakland county.  
 Samuel Abbott, notary public, Mackinac county.  
 John R. Livingston, notary public, Chippewa county.  
 Thomas Simpson, notary public, Saginaw county.  
 John Farnsworth, notary public, Livingston county.  
 James Eastman Johnson, master in chancery, St. Joseph county.  
 Ambrose R. Davenport, inspector of fish, Mackinac county.

S. T. MASON.

And the same was referred to the executive committee.

Mr. McCamly presented the petition of J. N. Dwight, and fifty-seven others, inhabitants of Jackson, for the confirmation of the nomination of W. J. Moody ; and the same was laid on the table.

The executive committee, by Mr. Bradford, reported back the nominations heretofore referred to them.

On motion of Mr. Drake, the nomination of Mr. Richardson was laid on the table.

Mr. Summers called up his motion to take up Mr. Moody's nomination, and the Senate agreeing thereto, the same was taken

up; and said nomination having been reconsidered, was consented to.

On motion of Mr. Etheridge, the Senate took up the nomination of Mr. Lancaster.

Mr. Kingsley moved to again lay the same on the table, which was not agreed to.

Mr. Bradford was excused from voting on said nomination, whereupon,

The question being taken on Mr. Lancaster's nomination, the same was agreed to, as follows:

## YEAS.

Mr. Etheridge,	Mr. Harrington,	Mr. McCamly,	
Mr. Gidley,	Mr. Kingsley,	Mr. Summers,	6

## NAYS.

Mr. Drake,	Mr. Hawkins,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Kercheval,		5

The remaining nominations reported back by the executive committee were then all agreed to, as follows:

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,	Mr. McCamly,		14

## NAYS.

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On motion of Mr. Kercheval, the doors of the Senate chamber were opened.

## FRIDAY, MARCH 29.

The President announced the following message from the executive:

EXECUTIVE DEPARTMENT, }  
March 28, 1839. }

*To the Senate:*

I hereby nominate the following persons to the offices attached to their respective names:



Calvin C. Jackson, master in chancery, Moirree county.  
 Calvin C. Jackson, notary public, Monroe county.  
 William Morris, notary public, St. Joseph county.  
 Charles Smith, notary public, Lenawee county.  
 John Hart, notary public, Lenawee county.  
 Lewis T. Miller, notary public, Hillsdale county.  
 Thomas S. Bunker, notary public, Barry county.  
 William F. Mosely, master in chancery, Oakland county.  
 Nathaniel Case, notary public, Wayne county.

S. T. MASON.

The same having been referred to the executive committee, was reported back and the nominations therein contained were consented to by the following vote :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,	Mr. McCamly,		14

NAYS.

0

The executive committee, by Mr. Bradford, reported back other messages heretofore referred to them, and, with the exception of Charles W. Richardson's nomination, the same were consented to, as follows :

YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Summers,	
Mr. Curtis,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Etheridge,	Mr. Kercheval,	Mr. Wing,	
Mr. Gidley,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Gordon,	Mr. McCamly,		14

NAYS.

0

The doors of the Senate chamber were then opened.

TUESDAY, APRIL 2.

The President announced the following message from the executive.

EXECUTIVE DEPARTMENT, }  
March 15, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Peter Morey, Attorney General of the state of Michigan.

Thomas J. Hill, notary public, Wayne county.

[When commissions have expired.]

J. W. Burchard, master in chancery, Ingham county.

John Willard, master in chancery, Calhoun county.

S. T. MASON.

And the same nominations were referred to the executive committee, Mr. Morey's excepted, which it was resolved to refer to a select committee.

Whereupon the President appointed as said select committee, Messrs. Bradford, Kingsley and Woodbridge.

And the doors of the Senate chamber were opened.

FRIDAY, APRIL 12.

The President announced the following messages from the executive :

EXECUTIVE DEPARTMENT, }  
April 8, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

William T. Howell, prosecuting attorney, Hillsdale county.

Walter A. Buckbee, notary public, Washtenaw county.

Franklin Johnson, prosecuting attorney, Monroe county.

Leander Chapman, prosecuting attorney, Jackson county.

James E. Johnson, notary public, [whose term has expired] St. Joseph county.

George A. C. Luce, notary public, Oakland county.

Charles Hewit, notary public, Lenawee county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 10, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Walter A. Buckbee, notary public, Washtenaw county.

Henry Gilbert, notary public, Kalamazoo county.

James V. Catharine, notary public, Kalamazoo county.

Anthony Ten Eyck, notary public, Wayne county, [whose term has expired.]

Barrack Mead, notary public, Cass county.

Asher Benham, notary public, St. Joseph county.

John S. Chipman, prosecuting attorney, Berrien county.

Hovey K. Clark, notary public, Allegan county.

Alfred G. Millerd, notary public, Washtenaw county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 11, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Henry K. Sanger, notary public, [whose commission has expired,] Wayne county.

Warner N. Comstock, notary public, Lenawee county.

Robert S. Wilson, notary public, Washtenaw county.

Daniel B. Eldred, notary public, Kalamazoo county.

Henry E. Perry, inspector of flour, Wayne county.

S. T. MASON.

The same having been referred to the executive committee, and reported back by them, the nominations therein made were all consented to by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kercheval,	
Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. McCamly,	
Mr. Drake,	Mr. Hawkins,	Mr. Summers,	19

## NAYS.

0

On motion, Mr. Richardson's nomination was taken up and consented to by the Senate, as follows :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kercheval,	
Mr. Cook,	Mr. Greenly,	Mr. McCamly,	
Mr. Curtis,	Mr. Harrington,	Mr. Sammers,	
Mr. Drake,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Gidley,			13

## NAYS.

0

And the doors of the Senate chamber were opened.

## WEDNESDAY, APRIL 17.

The President announced the following messages from the executive :

EXECUTIVE DEPARTMENT, }  
 April 15, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Joseph W. Brown, brigadier general, under the act of 11th April, 1839.

Charles W. Whipple, to be associate justice of the supreme court for the fourth circuit.

[Accompanying this nomination are the enclosed recommendations.]

Mason Harris, notary public, Macomb county.

James Gunning, notary public, Wayne county.

George Miles, prosecuting attorney, Washtenaw county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 16, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Samuel G. Watson, prosecuting attorney, Oakland county.

Chauncey P. Kellogg, inspector of beef, pork, &c., Berrien county.

S. T. MASON.

And the same were referred to the executive committee.

On motion, the select committee on Mr. Morey's nomination were discharged from further consideration thereof.

Whereupon it was moved that said nomination be laid on the table, on which question the Senate being equally divided,

The President decided in the affirmative.

The doors of the Senate chamber were then opened.

## EVENING SESSION.

*Seven o'clock, P. M.*

Mr. Bradford, from the executive committee, reported back the messages referred to them.

Mr. Harris' nomination was laid on the table.

Mr. Watson's nomination was then consented to by the following vote :

### YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	
Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Hawkins,	Mr. McCamly,	9

### NAYS.

Mr. Drake,	Mr. Gordon,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Summers,		5

Whereupon, on motion of Mr. Summers, said nomination was reconsidered, and laid on the table.

The nomination of Peter Morey to the office of Attorney General of the state was then consented to, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Hawkins,	Mr. McCamly,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,			10

## NAYS.

Mr. Drake,	Mr. Summers,	Mr. Trowbridge,	
Mr. Gidley,			4

The nomination of Charles W. Whipple to the office of President Judge of the 4th circuit, was then consented to by the following vote :

## YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Kingsley,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Drake,	Mr. Harrington,	Mr. Trowbridge,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	12

## NAYS.

Mr. Bradford,	Mr. Hawkins,		2
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The remaining nominations were then consented to by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kingsley,	
Mr. Cook,	Mr. Harrington,	Mr. McCamly,	
Mr. Curtis,	Mr. Hawkins,	Mr. Summers,	
Mr. Gidley,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,			13

## NAYS.

0

The doors of the Senate chamber were then opened.

SATURDAY, APRIL 19.

The President announced the following messages :

EXECUTIVE DEPARTMENT, }  
April 19, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Walter A. Buckbee, master in chancery, Washtenaw county.

John T. Raynor, notary public, Oakland county.

Charles W. Ford, notary public, Wayne county.

Walter Hubbill, notary public, Clinton county.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 19, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Allen Bennett, Ira C. Backus, Roswell B. Rexford, inspectors of the state prison.

James M. Burger, clerk of the state prison.

Benjamin Porter, commissioner to superintend the construction of the state prison.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 19, 1839. }

*To the Senate :*

I hereby nominate John Scott, of Wayne, to the office of commissioner to superintend the construction of the state prison.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
April 19, 1839. }

*To the Senate :*

I hereby nominate William F. Mosely to the office of prosecuting attorney for the county of Oakland.

S. T. MASON.

And the same having been referred to the executive committee, were reported back, and said nominations being before the Senate,

the nominations in the first message were all confirmed by the following vote :

## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Summers,	
Mr. Cook,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,	
Mr. Drake,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gidley,	Mr. Kingsley,		14

## NAYS.

0

All the nominations in the second message were then consented to, with the exception of B. Porter, for commissioner, &c., which was non-consented to, by the following vote :

## YEAS.

Mr. Cook,	Mr. Kercheval,	Mr. Kingsley,	8
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## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Gordon,	Mr. Summers,		11

Mr. Burger's nomination as clerk, &c., was consented to by the following vote :

## YEAS.

Mr. Bradford,	Mr. Hawkins,	Mr. McCamly,	
Mr. Cook,	Mr. Kercheval,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kingsley,	Mr. Wing,	
Mr. Greenly,			10

## NAYS.

Mr. Drake,	Mr. Gidley,	Mr. Gordon,	3
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The Senate then consented to the nomination of John Scott, for commissioner to superintend the construction of the state prison, by the following vote :



## YEAS.

Mr. Bradford,	Mr. Gordon,	Mr. Kingsley,
Mr. Curtis,	Mr. Greenly,	Mr. Summers,
Mr. Drake,	Mr. Harrington,	Mr. Wing,
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge, 12

## NAYS.

0

The nomination of Mr. Mosely then being before the Senate, the same was laid on the table by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. McCamly,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,
Mr. Gordon,	Mr. Kercheval,	8

## NAYS.

Mr. Cook,	Mr. Kingsley,	Mr. Trowbridge,
Mr. Drake,	Mr. Summers,	Mr. Woodbridge, 6

On motion of Mr. Drake, the Senate then took up Mr. Watson's nomination, and non-consented thereto, as follows :

## YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. McCamly,
Mr. Greenly,	Mr. Hawkins,	5

## NAYS.

Mr. Cook,	Mr. Kingsley,	Mr. Wing,
Mr. Drake,	Mr. Summers,	Mr. Woodbridge,
Mr. Gidley,	Mr. Trowbridge,	8

Whereupon, Mr. Hawkins gave notice that he should move for a reconsideration of said vote.

Mr. Cook moved to take up Mr. Mosely's nomination, which which was agreed to, as follows :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,
Mr. Drake,	Mr. Kingsley,	Mr. Trowbridge,
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,
Mr. Gordon,		10

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,
Mr. Curtis,	Mr. Hawkins,	Mr. Wing, 6

Said nomination was thereupon taken up, and consented to, by the following vote :

## YEAS.

Mr. Cook,	Mr. Harrington,	Mr. Summers,	
Mr. Drake,	Mr. Kingsley,	Mr. Trowbridge,	
Mr. Gidley,	Mr. McCamly,	Mr. Woodbridge,	
Mr. Gordon,			10

## NAYS.

Mr. Bradford,	Mr. Greenly,	Mr. Wing,	
Mr. Curtis,	Mr. Hawkins,		5

Whereupon, Mr. Hawkins gave notice that he should move for a reconsideration of said vote.

The Senate then took up Mr. Harris' nomination, and consented thereto, as follows :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Trowbridge,	
Mr. Cook,	Mr. Kercheval,	Mr. Wing,	
Mr. Curtis,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Drake,	Mr. Summers,		11

## NAYS.

0

The doors of the Senate chamber were then opened.

## AFTERNOON SESSION.

*Nine o'clock, P. M.*

The President announced the three following messages from the Executive :

EXECUTIVE DEPARTMENT, }  
April 20, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Jacob Beeson, Samuel Philips, Daniel B. Wakefield, to be commissioners of appraisement, under the act of April 20, 1839.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
 April 20, 1839. }

*To the Senate :*

I hereby nominate C. B. H. Fessenden to be master in chancery for the county of Macomb, and S. Humes Porter to be master in chancery for the county of Wayne.

S. T. MASON.

EXECUTIVE DEPARTMENT, }  
 April 20, 1839. }

*To the Senate :*

I hereby nominate the following persons to the offices attached to their respective names :

Moses T. Champion, notary public, Lenawee county.

Asariah Prentiss, notary public, Macomb county.

Alexander R. Tiffany, prosecuting attorney, Lenawee county.

B. F. H. Witherill, prosecuting attorney, Wayne county.

S. T. MASON.

And the same having been referred to, and reported back by the executive committee, were before the Senate.

Whereupon, the nominations in the first message were consented to as follows :

For Jacob Beeson.

YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Kingsley,	
Mr. Curtis,	Mr. Greenly,	Mr. Summers,	
Mr. Gidley,	Mr. Harrington,	Mr. Wing,	9

NAYS.

Mr. Drake,	Mr. Kercheval,		2
	For Samuel Philips.		

YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Kercheval,	
Mr. Curtis,	Mr. Greenly,	Mr. Kingsley,	
Mr. Gidley,	Mr. Harrington,	Mr. Summers,	9

NAYS.

Mr. Drake,	Mr. McCamly,	Mr. Trowbridge,	
Mr. Hawkins,			4

For Daniel B. Wakefield.

YEAS.

Mr. Cook,	Mr. Greenly,	Mr. Kingsley,	
Mr. Curtis,	Mr. Harrington,	Mr. Summers,	
Mr. Drake,	Mr. Hawkins,	Mr. Wing,	
Mr. Gidley,	Mr. Kercheval,	Mr. Woodbridge,	
Mr. Gordon,			13

NAYS.

0

The nominations of Messrs. Fessenden and Porter (see message,) were then consented to, as follows :

YEAS.

Mr. Bradford,	Mr. Harrington,	Mr. Summers,	
Mr. Cook,	Mr. Hawkins,	Mr. Trowbridge,	
Mr. Curtis,	Mr. Kercheval,	Mr. Wing,	
Mr. Gordon,	Mr. Kingsley,	Mr. Woodbridge,	
Mr. Greenly,	Mr. McCamly,		14

NAYS.

0

The nominations of Champion, and others, (vide message) were all consented to, as follows :

YEAS.

Mr. Cook,	Mr. Gordon,	Mr. Hawkins,	
Mr. Curtis,	Mr. Greenly,	Mr. Kercheval,	
Mr. Gidley,	Mr. Harrington,	Mr. Summers,	9

NAYS.

0

On motion of Mr. Hawkins, the nomination of Mr. Mosely was reconsidered, by the following vote :

YEAS.

Mr. Curtis,	Mr. Greenly,	Mr. Hawkins,	
Mr. Gidley,	Mr. Harrington,	Mr. Kingsley,	
Mr. Gordon,			7

NAYS.

Mr. Cook,	Mr. Trowbridge,	Mr. Woodbridge,	
Mr. Summers,			4

Whereupon, the same being before the Senate, was non-consented to, as follows :

## YEAS.

Mr. Cook,	Mr. Gidley,	Mr. Summers,	
Mr. Drake,	Mr. Gordon,	Mr. Woodbridge,	6

## NAYS.

Mr. Bradford,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Hawkins,	Mr. Wing,	
Mr. Greenly,			7

Mr. Hawkins also moved to reconsider the vote on Mr. Watson's nomination, which was agreed to, and the same, on reconsideration, was finally consented to, by the following vote :

## YEAS.

Mr. Bradford,	Mr. Greenly,	Mr. Kercheval,	
Mr. Cook,	Mr. Harrington,	Mr. Kingsley,	
Mr. Curtis,	Mr. Hawkins,	Mr. McCamly,	
Mr. Gordon,			10

## NAYS.

Mr. Drake,	Mr. Summers,	Mr. Woodbridge,	3
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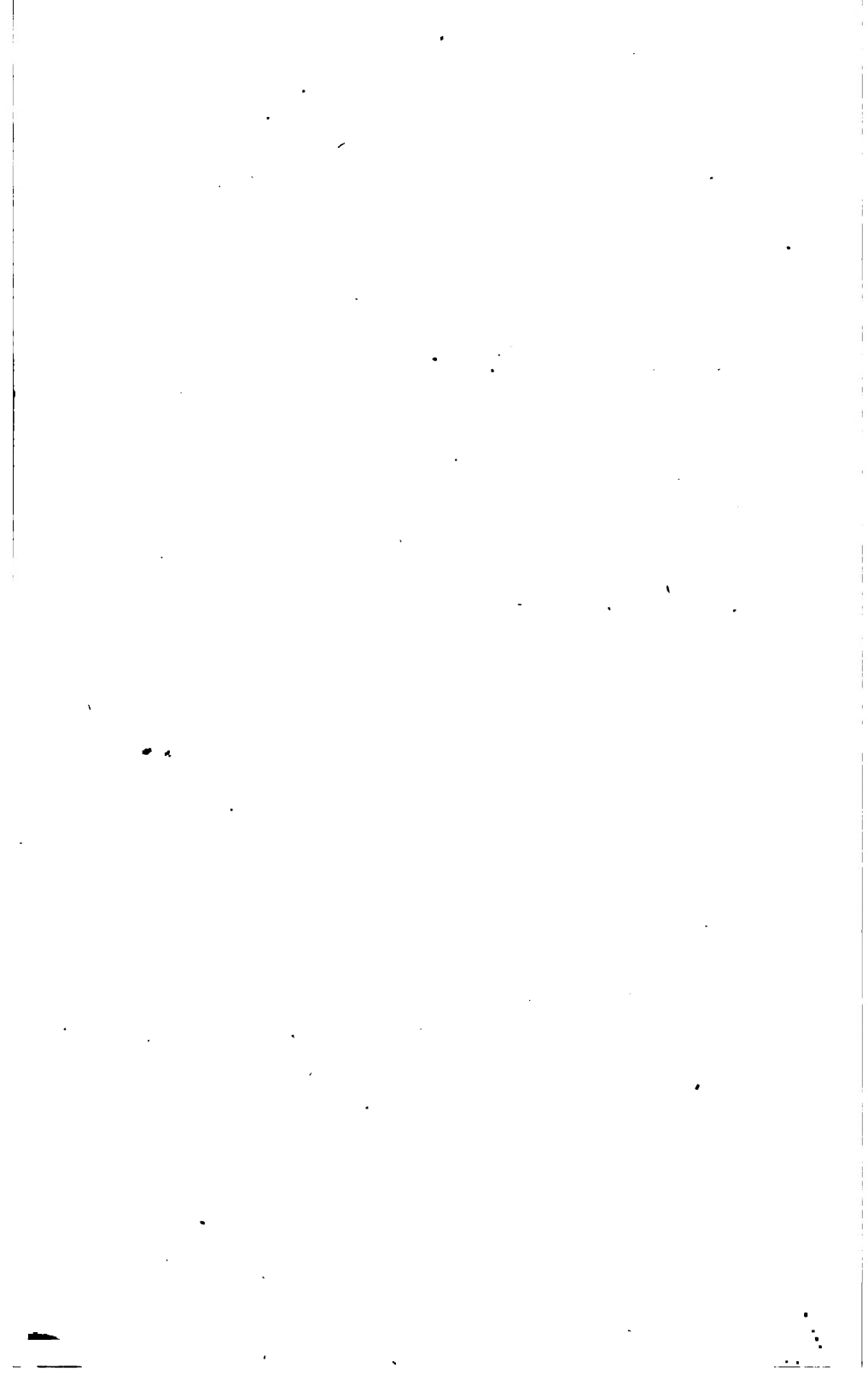
The doors of the Senate chamber were then opened.















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